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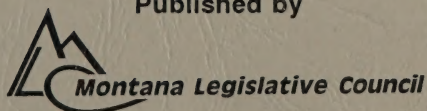
**HOUSE JOURNAL**  
**of the**  
**FIFTY-THIRD LEGISLATURE**  
**of the**  
**STATE OF MONTANA**  
  
**VOLUME II**

**Held in Helena, the Seat of Government  
Commencing in Regular Session January 4, 1993,  
and Ending April 24, 1993**

**JOHN MERCER**  
**Speaker of the House**

**MARILYN MILLER**  
**Chief Clerk of the House**

**Published by**







## **FORTY-THIRD LEGISLATIVE DAY**

Helena, Montana  
February 22, 1993

House Chambers  
State Capitol

House convened at 9:00 a.m. Mr. Speaker in the Chair. Invocation by Representative Simpkins. Pledge of Allegiance to the Flag.

Roll call. All members present except H. S. Hanson, excused. Quorum present.

### **MESSAGES FROM THE SENATE**

Senate bills passed and transmitted to the House for concurrence:

2/20/93

**SB 39**, introduced by Keating

**SB 40**, introduced by Keating

**SB 118**, introduced by Towe

**SB 166**, introduced by Towe

**SB 186**, introduced by McClerman

**SB 291**, introduced by Doherty

**SB 313**, introduced by Towe

**SB 318**, introduced by Weldon

**SB 350**, introduced by Forrester

Mr. Speaker moved the House recess until 9:15 a.m. Motion carried.

House recessed at 9:04 a.m.

House reconvened at 9:15 a.m. Mr. Speaker in the Chair.

### **MESSAGES FROM THE GOVERNOR**

The Honorable John Mercer  
Speaker of the House  
State Capitol  
Helena, Montana 59620

February 19, 1993

Dear Representative Mercer:

Please be informed that I have signed House Bills 120 and 163 on February 19, 1993.

Sincerely,

MARC RACICOT  
Governor

### **FIRST READING AND COMMITMENT OF BILLS AND RESOLUTIONS**

The following House bill was introduced, read first time, and referred to committee:

**HB 654**, introduced by DeBruycker (by request of the Natural Resources and Commerce Subcommittee), referred to Committee on Appropriations

## THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**SB 131** passed as follows:

Ayes: Bachini, Bardanouve, Barnhart, Bergman, Boharski, Bohlinger, Brooke, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Gervais, Grady, Grimes, Grinde, Hansen, Harper, Harrington, J. Johnson, R. Johnson, Kadas, Keller, Larson, Mason, McCaffree, McCarthy, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Pavlovich, Peck, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Schye, Smith, Squires, Stanford, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Wagner, Wallin, Wanzenried, Whalen, Wiseman, Wyatt, Mr. Speaker.

Total 67

Noes: Anderson, Barnett, Benedict, Bergsagel, Bird, Brandewie, Brown, Clark, Feland, Foster, Galvin, Gilbert, M. Hanson, Hayne, Herron, Hibbard, Kasten, Knox, McCulloch, Orr, Peterson, Quilici, Rehbein, Sayles, Simon, Simpkins, Spring, Stovall, Vogel, Zook.

Total 30

Excused: H.S. Hanson.

Total 1

Absent or not voting: Schwinden, Winslow.

Total 2

**HB 320** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Bergman, Bird, Bohlinger, Brooke, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Galvin, Gervais, Grady, Grimes, Grinde, Hansen, Harper, Harrington, J. Johnson, R. Johnson, Kadas, Larson, McCaffree, McCulloch, Menahan, L. Nelson, T. Nelson, Pavlovich, Peck, Raney, J. Rice, S. Rice, Rose, Russell, Ryan, Schye, Simon, Smith, Squires, Stanford, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wyatt, Mr. Speaker.

Total 64

Noes: Benedict, Bergsagel, Boharski, Brandewie, Brown, Clark, DeBruycker, Feland, Fisher, Foster, Gilbert, M. Hanson, Hayne, Herron, Hibbard, Kasten, Keller, Knox, Mason, McCarthy, Mills, Molnar, Orr, Peterson, Quilici, Rehbein, Sayles, Simpkins, Spring, Stovall, Vogel, Wiseman, Zook.

Total 33

Excused: H.S. Hanson.

Total 1

Absent or not voting: Ream, Schwinden.



Total 2

**HB 319** passed as follows:

Ayes: Bachini, Bardanoue, Barnett, Barnhart, Bird, Bohlinger, Brooke, Cobb, Cocchiarella, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Galvin, Gervais, Grimes, Grinde, Hansen, Harper, Harrington, J. Johnson, R. Johnson, Kadas, Larson, McCaffree, McCulloch, Menahan, Molnar, L. Nelson, T. Nelson, Peck, Raney, Ream, J. Rice, S. Rice, Russell, Ryan, Schye, Simpkins, Smith, Squires, Stanford, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wyatt, Zook, Mr. Speaker.

Total 63

Noes: Anderson, Benedict, Bergman, Bergsagel, Boharski, Brandewie, Brown, Clark, Daily, Feland, Fisher, Foster, Gilbert, Grady, M. Hanson, Hayne, Hibbard, Kasten, Keller, Knox, Mason, McCarthy, Mills, Orr, Pavlovich, Peterson, Quilici, Rehbein, Rose, Sayles, Simon, Spring, Stovall, Wiseman.

Total 34

Excused: H.S. Hanson.

Total 1

Absent or not voting: Herron, Schwinden.  
Total 2

**HB 176** passed as follows:

Ayes: Anderson, Bachini, Bardanoue, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Clark, Cobb, Cocchiarella, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, M. Hanson, Harper, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 93

Noes: Brown, Daily, Galvin, Harrington, Pavlovich, Whalen.  
Total 6

Excused: H.S. Hanson.

Total 1

Absent or not voting: None.  
Total 0

**HB 228** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Hansen, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 94

Noes: Bergsagel, Feland, Grinde, Rehbein.

Total 4

Excused: H.S. Hanson.

Total 1

Absent or not voting: Davis.

Total 1

**HB 274** passed as follows:

Ayes: Bardanouve, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Hansen, M. Hanson, Harper, Harrington, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Larson, McCaffree, McCarthy, McCulloch, Menahan, Mills, L. Nelson, T. Nelson, Orr, Pavlovich, Quilici, Raney, J. Rice, S. Rice, Rose, Russell, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 78

Noes: Anderson, Bachini, Barnett, Bergsagel, DeBruycker, Fagg, Feland, Fisher, Grinde, Hayne, Kasten, Mason, Molnar, Peck, Peterson, Rehbein, Spring, Wagner, Wallin.

Total 19

Excused: H.S. Hanson.

Total 1

Absent or not voting: Ream, Ryan.

Total 2

**HB 338** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott,



Ellis, Endy, Ewer, Fagg, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 93

Noes: Bergsagel, Boharski, Feland, Fisher, Molnar, Stovall.

Total 6

Excused: H.S. Hanson.

Total 1

Absent or not voting: None.

Total 0

**HB 341** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, T. Nelson, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, S. Rice, Rose, Russell, Sayles, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 89

Noes: Feland, L. Nelson, Orr, Rehbein, J. Rice, Ryan, Schwinden, Schye, Wagner.

Total 9

Excused: H.S. Hanson.

Total 1

Absent or not voting: Bohlinger.

Total 1

**HB 380** passed as follows:

Ayes: Anderson, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox,

Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 95

Noes: Wagner.

Total 1

Excused: H.S. Hanson.

Total 1

Absent or not voting: Bachini, Fisher, Peck.

Total 3

**HB 381** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnhart, Benedict, Bergman, Bird, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Foster, Galvin, Gervais, Gilbert, Grady, Hansen, M. Hanson, Harper, Harrington, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simpkins, Smith, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Zook, Mr. Speaker.

Total 86

Noes: Barnett, Bergsagel, Boharski, Feland, Fisher, Grimes, Grinde, Hayne, Kasten, Rehbein, Simon, Spring, Wyatt.

Total 13

Excused: H.S. Hanson.

Total 1

Absent or not voting: None.

Total 0

**HB 382** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden,

Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 98

Noes: None.  
Total 0

Excused: H.S. Hanson.  
Total 1

Absent or not voting: Benedict.  
Total 1

**HB 395** passed as follows:

Ayes: Anderson, Bachini, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kasten, Keller, Knox, Larson, Mason, McCarthy, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peterson, Quilici, Ream, Rehbein, J. Rice, S. Rice, Rose, Ryan, Sayles, Schwinden, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 88

Noes: Bardanouve, Cobb, Dowell, Hansen, Kadas, McCaffree, McCulloch, Peck, Raney, Russell, Schye.  
Total 11

Excused: H.S. Hanson.  
Total 1

Absent or not voting: None.  
Total 0

**HB 478** passed as follows:

Ayes: Anderson, Bardanouve, Barnett, Barnhart, Benedict, Bergsagel, Bird, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, M. Hanson, Harper, Harrington, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Pavlovich, Peck, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 90



Noes: Bachini, Bergman, Boharski, Feland, Fisher, Hayne, Orr, Peterson, Rehbein.

Total 9

Excused: H.S. Hanson.

Total 1

Absent or not voting: None.

Total 0

**HB 479** passed as follows:

Ayes: Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Galvin, Gervais, Grady, Grimes, Grinde, Hansen, Harper, Harrington, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Winslow, Wyatt, Zook, Mr. Speaker.

Total 88

Noes: Anderson, Fisher, Foster, Gilbert, M. Hanson, Hayne, Kasten, Peck, Rose, Whalen, Wiseman.

Total 11

Excused: H.S. Hanson.

Total 1

Absent or not voting: None.

Total 0

**HB 488** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 99

Noes: None.

Total 0

Excused: H.S. Hanson.

Total 1

Absent or not voting: None.

Total 0

**HB 502** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Bohlinger, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 94

Noes: Boharski, Fagg, Smith, Vogel.

Total 4

Excused: H.S. Hanson.

Total 1

Absent or not voting: Brandewie.

Total 1

**HB 506** passed as follows:

Ayes: Anderson, Benedict, Bergman, Bergsagel, Bird, Bohlinger, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, M. Hanson, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Keller, Knox, Larson, Mason, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook.

Total 83

Noes: Bachini, Bardanouve, Barnett, Barnhart, Boharski, Brandewie, Davis, Ewer, Harper, Kadas, Kasten, McCaffree, Peck, Russell, Tuss, Mr. Speaker.

Total 16

Excused: H.S. Hanson.

Total 1

Absent or not voting: None.

Total 0

**HB 516** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Foster, Galvin, Gervais, Grady, Grimes, Grinde, Hansen, M. Hanson, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Keller, Knox, Larson, Mason, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 86

Noes: Boharski, Dowell, Feland, Fisher, Gilbert, Harper, Kadas, Kasten, McCaffree, Peck, Peterson, Ryan, Wagner.

Total 13

Excused: H.S. Hanson.

Total 1

Absent or not voting: None.

Total 0

**HB 536** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 97

Noes: DeBruycker.

Total 1

Excused: H.S. Hanson.

Total 1

Absent or not voting: Fisher.

Total 1



**HB 550** passed as follows:

Ayes: Anderson, Barnett, Benedict, Bergman, Bergsagel, Boharski, Bohlinger, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Driscoll, Ellis, Endy, Fagg, Fisher, Foster, Gervais, Gilbert, Grady, Grinde, Hansen, M. Hanson, Harper, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Keller, Larson, McCarthy, McCulloch, Menahan, Mills, Molnar, Orr, Pavlovich, Quilici, Ream, J. Rice, S. Rice, Rose, Ryan, Sayles, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Vogel, Wagner, Wallin, Wiseman, Zook, Mr. Speaker.  
Total 67

Noes: Bachini, Bardanouve, Barnhart, Bird, Brandewie, Cobb, Dowell, Elliott, Ewer, Feland, Galvin, Grimes, Kadas, Kasten, Knox, Mason, McCaffree, L. Nelson, T. Nelson, Peck, Peterson, Raney, Rehbein, Russell, Schwinden, Schye, Tuss, Wanzenried, Whalen, Winslow, Wyatt.  
Total 31

Excused: H.S. Hanson.  
Total 1

Absent or not voting: Harrington.  
Total 1

**HB 551** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 99

Noes: None.  
Total 0

Excused: H.S. Hanson.  
Total 1

Absent or not voting: None.  
Total 0

**HB 555** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 93

Noes: Boharski, Feland, Knox, Rehbein, Smith.

Total 5

Excused: H.S. Hanson.

Total 1

Absent or not voting: T. Nelson.

Total 1

**HB 559** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peterson, Quilici, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 95

Noes: McCaffree, Peck, Raney, Spring.

Total 4

Excused: H.S. Hanson.

Total 1

Absent or not voting: None.

Total 0

**HB 561** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott,

Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 91

Noes: DeBruycker, Kasten, T. Nelson, Orr, Rehbein, Rose, Spring.  
Total 7

Excused: H.S. Hanson.  
Total 1

Absent or not voting: Tuss.  
Total 1

**HB 573** passed as follows:

Ayes: Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bird, Boharski, Brandewie, Brooke, Brown, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Foster, Galvin, Gervais, Gilbert, Grimes, Grinde, Harper, Harrington, Herron, Hibbard, J. Johnson, Kadas, Kasten, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Molnar, L. Nelson, T. Nelson, Pavlovich, Peck, Quilici, Raney, Ream, J. Rice, S. Rice, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wallin, Wanzenried, Whalen, Winslow, Wyatt, Zook, Mr. Speaker.  
Total 77

Noes: Anderson, Bergman, Bergsagel, Clark, DeBruycker, Feland, Fisher, Grady, Hansen, M. Hanson, Hayne, R. Johnson, Keller, Mills, Orr, Peterson, Rehbein, Rose, Spring, Wagner, Wiseman.  
Total 21

Excused: H.S. Hanson.  
Total 1

Absent or not voting: Bohlinger.  
Total 1

**HB 576** passed as follows:

Ayes: Anderson, Bachini, Barnett, Benedict, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dowell, Driscoll, Elliott, Ellis, Endy, Fagg, Feland, Fisher, Foster, Galvin, Gilbert, Grady, Grimes, Grinde, Hansen, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, R. Johnson, Kadas, Kasten, Keller, Knox, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, Rose,



Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 84

Noes: Bardanoue, Barnhart, Bergman, Brooke, DeBruycker, Dolezal, Ewer, Gervais, J. Johnson, Larson, T. Nelson, S. Rice, Russell, Spring, Tuss.  
Total 15

Excused: H.S. Hanson.  
Total 1

Absent or not voting: None.  
Total 0

**HB 593** passed as follows:

Ayes: Anderson, Bachini, Bardanoue, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grinde, Hansen, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 98

Noes: Grimes.  
Total 1

Excused: H.S. Hanson.  
Total 1

Absent or not voting: None.  
Total 0

**HB 594** passed as follows:

Ayes: Anderson, Bachini, Bardanoue, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel,

Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 99

Noes: None.  
Total 0

Excused: H.S. Hanson.  
Total 1

Absent or not voting: None.  
Total 0

**HB 617** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 98

Noes: None.  
Total 0

Excused: H.S. Hanson.  
Total 1

Absent or not voting: Daily.  
Total 1

**HB 621** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 99

Noes: None.

Total 0

Excused: H.S. Hanson.

Total 1

Absent or not voting: None.

Total 0

**HB 648** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, McCarthy, McCulloch, Menahan, Mills, L. Nelson, T. Nelson, Orr, Pavlovich, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 92

Noes: DeBruycker, McCaffree, Molnar, Peck, Squires.

Total 5

Excused: H.S. Hanson.

Total 1

Absent or not voting: Fisher, Mason.

Total 2

**HJR 13** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnhart, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Foster, Galvin, Gervais, Grady, Grinde, Hansen, Harper, Harrington, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Knox, Larson, Mason, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, Orr, Pavlovich, Peck, Quilici, Raney, Ream, S. Rice, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Smith, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 75

Noes: Barnett, Benedict, Bergman, Bergsagel, Clark, DeBruycker, Feland, Gilbert, Grimes, M. Hanson, Hayne, Herron, Keller, McCaffree, T. Nelson, Peterson, Rehbein, J. Rice, Rose, Simpkins, Spring, Vogel.

Total 22



Excused: H.S. Hanson.

Total 1

Absent or not voting: Fisher, Tuss.

Total 2

**HJR 16** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Hansen, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Mr. Speaker.

Total 93

Noes: Bergsagel, Feland, Grinde, Molnar.

Total 4

Excused: H.S. Hanson.

Total 1

Absent or not voting: Smith, Zook.

Total 2

**HJR 17** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Ellis, Endy, Ewer, Fagg, Foster, Galvin, Gervais, Grady, Grimes, Grinde, Hansen, M. Hanson, Harper, Harrington, Hayne, Hibbard, J. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCarthy, McCulloch, Menahan, Mills, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 85

Noes: Bergsagel, DeBruycker, Elliott, Feland, Gilbert, Herron, R. Johnson, McCaffree, Molnar, L. Nelson, T. Nelson, Rehbein, Simpkins.

Total 13

Excused: H.S. Hanson.

Total 1

Absent or not voting: Fisher.

Total 1

Representative Grinde moved the House recess until 10:00 a.m. Motion carried.

House recessed at 9:31 a.m.

House reconvened at 10:00 a.m. Mr. Speaker in the Chair.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Ream in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 631** - Representative Strizich moved consideration of HB 631 be placed below HB 346 on the second reading board. Motion carried.

**HB 650** - Representative Strizich moved consideration of HB 650 be placed below HJR 23 on the second reading board. Motion carried.

**HB 425** - Representative Kadas moved HB 425, second reading copy, be amended as follows (amendment #1):

1. Page 7, line 14.

Following: line 13

Insert: "(9) The authority is the successor in interest to the former board of housing and the former health facility authority."

Amendment #1 passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Russell, Ryan, Sayles, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 93

Noes: Bergman, Hansen, Rose.

Total 3

Excused: H.S. Hanson.

Total 1

Absent or not voting: Elliott, L. Nelson, Schwinden.

Total 3

Representative Kadas moved HB 425, as amended, do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Fagg, Feland, Foster, Gervais, Gilbert, Grimes, Grinde, Hansen, M. Hanson, Harrington, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, J. Rice, Rose, Russell, Ryan, Sayles, Schye, Simon, Simpkins, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wyatt, Zook, Mr. Speaker.

Total 85

Noes: Bergsagel, Ewer, Fisher, Galvin, Grady, Harper, Hayne, Kasten, Peterson, S. Rice, Smith, Tash, Wiseman.

Total 13

Excused: H.S. Hanson.

Total 1

Absent or not voting: Schwinden.

Total 1

**HB 527** - Representative Brown moved HB 527, second reading copy, be amended as follows (amendment #1):

1. Title, lines 8 through 15.

Strike: "; ELIMINATING" on line 8 through "REGENTS" on line 15

2. Page 2, lines 11 through 14.

Strike: "the" on line 11 through "member." on line 14

3. Page 2, line 15.

Strike: "The"

Insert: "seven"

Strike: "who" through "be"

4. Page 2, line 21.

Strike: "university system chancellor"

Insert: "commissioner of higher education"

5. Page 2, line 22.

Strike: "The chancellor's"

Insert: "The commissioner's"



6. Page 3, line 9.

Strike: "university system chancellor"

Insert: "commissioner of higher education"

7. Page 3, lines 18 through 20 and lines 22 through 24.

Strike: ", " on lines 18 and 22 through "chancellor" on lines 20 and 24

Amendment #1 passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 96

Noes: Bergman, Cobb, McCarthy.

Total 3

Excused: H.S. Hanson.

Total 1

Absent or not voting: None.

Total 0

Representative Kadas moved HB 527, second reading copy, be further amended (amendment #2). Amendment #2 failed as follows: (33-66)

Representative Brown moved HB 527, as amended, do pass. Motion carried as follows:

Ayes: Anderson, Barnett, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brown, Clark, Daily, DeBruycker, Dowell, Driscoll, Ellis, Endy, Feland, Fisher, Foster, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, Harrington, Hayne, Hibbard, Keller, Knox, Larson, Mason, McCaffree, McCulloch, Menahan, Mills, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Rehbein, J. Rice, S. Rice, Rose, Sayles, Smith, Spring, Stanford, Stovall, Strizich, Tash, Tunby, Vogel, Wagner, Winslow, Wiseman, Zook, Mr. Speaker.

Total 63

Noes: Bachini, Bardanouve, Barnhart, Brooke, Cobb, Cocchiarella, Davis, Dolezal, Elliott, Ewer, Fagg, Galvin, M. Hanson, Harper, Herron, J. Johnson, R. Johnson, Kadas, Kasten, McCarthy, Ream, Russell, Ryan, Schwinden, Schye, Simon, Simpkins, Squires, Swanson, Toole, Tuss, Wallin, Wanzenried, Wyatt.

Total 34

Excused: H.S. Hanson.  
Total 1

Absent or not voting: Molnar, Whalen.  
Total 2

**HB 485** - Representative Simpkins moved HB 485, second reading copy, be amended as follows (amendment #1):

1. Title, lines 9 through 13.  
Strike: "PROVIDING" on line 9 through "PAID" on line 13  
Insert: "REQUIRING THE DEVELOPMENT OF LEGISLATIVE PROPOSALS  
FOR EQUITABLE POSTRETIREMENT ADJUSTMENTS FOR PUBLIC  
RETIREMENT SYSTEMS"
2. Title, line 13.  
Strike: "SECTIONS"  
Insert: "SECTION"  
Strike: "AND 19-8-809"
3. Page 1, line 18.  
Strike: "3"  
Insert: "2"
4. Page 1, line 20.  
Strike: "adjustments"  
Insert: "adjustment"
5. Page 2, lines 3 through 22.  
Strike: ", when" on line 3 through "index" on line 22  
Insert: "the proposed statutory retirement committee established in House  
Bill No. 65 be assigned by the legislative council to develop  
legislation providing an equitable guaranteed annual benefit  
adjustment for each of Montana's statewide public retirement  
systems and that the legislation be presented to the 54th  
legislature for consideration. It is further the intent of the  
legislature that the cost of holding hearings and developing the  
legislation be paid by retirement systems and donations from  
public employee and retiree associations"
6. Page 3, line 22 through page 6, line 12.  
Strike: section 2 in its entirety  
Re-number: subsequent sections
7. Page 6, line 15.  
Strike: "sections"  
Insert: "section"  
Strike: "and 2"
8. Page 7, lines 10 through 12.  
Strike: "After" on line 10 through "[section 2]." on line 12

9. Page 7, line 17.

Following: "section"

Insert: "until the unfunded liability is paid pursuant to subsection (2)"

10. Page 7, line 18 through page 9, line 4.

Strike: section 5 in its entirety

Renumber: subsequent sections

11. Page 9.

Following: line 4

Insert: NEW SECTION. Section 4. Study for equitable postretirement adjustments for all public retirement systems. The legislative council shall assign the permanent committee on retirement a study to develop recommendations and legislation that will enact equitable, reasonable, and soundly funded guaranteed annual postretirement benefit adjustments for members of the statewide public employee retirement systems. The committee's recommendations and legislative proposals must be presented to the 54th legislature for consideration."

Renumber: subsequent sections

12. Page 9, line 6.

Strike: "Sections"

Insert: "Section"

Strike: "and 2"

Strike: "are"

Insert: "is"

13. Page 9, line 9.

Strike: "sections"

Insert: "section"

Strike: "and 2"

14. Page 9.

Following: line 9

Insert: NEW SECTION. Section 6. Coordination instruction. If House Bill No. 65 is not passed and approved, then [section 4 of this act] is void."

Renumber: subsequent section

Amendment #1 passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich,



Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 98

Noes: Barnhart.  
Total 1

Excused: H.S. Hanson.  
Total 1

Absent or not voting: None.  
Total 0

Representative Cocchiarella moved HB 485, second reading copy, be further amended as follows (amendment #2):

1. Page 9.

Following: line 9

Insert: "NEW SECTION. Section 7. Coordination instruction. If Senate Bill No. 203 is not passed and approved, then [this act] is void."

Renumber: subsequent section

Amendment #2 passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 98

Noes: None.  
Total 0

Excused: H.S. Hanson.  
Total 1

Absent or not voting: Ellis.  
Total 1

Representative Grady moved HB 485, as amended, do pass. Motion carried as follows:

Ayes: Anderson, Barnhart, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Grady, Grimes, Grinde,

Hansen, Harper, Harrington, Hayne, Herron, Hibbard, R. Johnson, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Molnar, T. Nelson, Orr, Pavlovich, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Schye, Simon, Simpkins, Smith, Spring, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 74

Noes: Bachini, Bardanouve, Barnett, Bergman, Bergsagel, DeBruycker, Elliott, Ellis, Feland, Gilbert, M. Hanson, J. Johnson, Kadas, Kasten, Keller, Mills, L. Nelson, Peck, Rehbein, Sayles, Schwinden, Squires, Wallin, Wanzenried.

Total 24

Excused: H.S. Hanson.

Total 1

Absent or not voting: Benedict.

Total 1

**HB 635** - Representative Clark moved HB 635, second reading copy, be amended as follows (amendment #1):

1. Page 10, line 22.

Strike: "the secretary of state"

Insert: "a filing officer"

2. Page 10, line 24.

Strike: "secretary of state's"

Insert: "filing officer's"

3. Page 10, line 25.

Strike: "secretary of state"

Insert: "filing officer"

4. Page 11, lines 4 and 5.

Strike: "secretary of state"

Insert: "filing officer"

Amendment #1 passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel,

Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 99

Noes: None.  
Total 0

Excused: H.S. Hanson.  
Total 1

Absent or not voting: None.  
Total 0

Representative Fagg moved HB 635, as amended, do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Fagg, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Hansen, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 95

Noes: Bergsagel, Ewer, Feland.  
Total 3

Excused: H.S. Hanson.  
Total 1

Absent or not voting: Grinde.  
Total 1

**HB 644** - Representative Brown moved consideration of HB 644 be placed at the bottom of the second reading board. Motion carried.

**HB 463** - Representative Boharski moved HB 463, second reading copy, be amended as follows (amendment #1):

1. Title, line 12.

Following: ";

Insert: "PROVIDING THAT THE MEMBERS OF THE COUNCIL ARE NOT ENTITLED TO COMPENSATION OR TRAVEL EXPENSES;"

2. Page 3, lines 12 and 13.

Following: "(4)" on line 12

Strike: remainder of line 12 through "all" on line 13



Insert: "All"

3. Page 3, line 14.

Following: "."

Insert: "Council members are not entitled to compensation or travel expenses as provided in 2-15-122."

Amendment #1 passed as follows:

Ayes: Anderson, Bardanoue, Barnett, Barnhart, Benedict, Bergsagel, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Daily, DeBruycker, Dolezal, Dowell, Ellis, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, Menahan, Mills, Molnar, T. Nelson, Orr, Pavlovich, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Simon, Simpkins, Smith, Spring, Squires, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Zook, Mr. Speaker.

Total 82

Noes: Bachini, Bird, Cocchiarella, Davis, Driscoll, Elliott, Endy, McCulloch, L. Nelson, Peck, Schwinden, Schye, Stanford, Tuss, Wyatt.

Total 15

Excused: H.S. Hanson.

Total 1

Absent or not voting: Bergman, McCarthy.

Total 2

Representative Boharski moved HB 463, as amended, do pass. Motion carried as follows:

Ayes: Bardanoue, Barnett, Benedict, Bergman, Boharski, Bohlinger, Brandewie, Clark, DeBruycker, Dowell, Ellis, Ewer, Fisher, Grady, Grimes, M. Hanson, Harper, Hayne, Herron, Hibbard, R. Johnson, Kadas, Keller, Knox, Larson, Mason, Menahan, Mills, Molnar, Orr, Peterson, Rehbein, J. Rice, S. Rice, Rose, Sayles, Simon, Simpkins, Smith, Spring, Stovall, Tash, Toole, Tunby, Wagner, Wallin, Wanzenried, Wiseman, Zook, Mr. Speaker.

Total 50

Noes: Anderson, Bachini, Barnhart, Bergsagel, Brooke, Brown, Cobb, Cocchiarella, Daily, Davis, Dolezal, Driscoll, Elliott, Endy, Fagg, Feland, Foster, Galvin, Gervais, Gilbert, Grinde, Hansen, Harrington, J. Johnson, Kasten, McCaffree, McCarthy, McCulloch, L. Nelson, T. Nelson, Pavlovich, Peck, Quilici, Raney, Ream, Russell, Ryan, Schwinden, Schye, Squires, Stanford, Strizich, Swanson, Tuss, Vogel, Whalen, Winslow, Wyatt.

Total 48

Excused: H.S. Hanson.

Total 1

Absent or not voting: Bird.

Total 1

**HB 487** - Representative Brandewie moved HB 487 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Clark, Cobb, Davis, DeBruycker, Dowell, Elliott, Ellis, Fagg, Feland, Fisher, Foster, Gilbert, Grady, Grimes, Grinde, M. Hanson, Hayne, Herron, Hibbard, Kasten, Keller, Knox, Larson, Mason, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Rehbein, Rose, Sayles, Simon, Simpkins, Smith, Spring, Stovall, Tash, Tunby, Vogel, Wagner, Wallin, Wanzenried, Winslow, Wiseman, Zook, Mr. Speaker.

Total 63

Noes: Brooke, Brown, Cocchiarella, Daily, Dolezal, Endy, Ewer, Galvin, Gervais, Hansen, Harper, Harrington, J. Johnson, R. Johnson, Kadas, McCaffree, McCarthy, McCulloch, Menahan, Raney, Ream, S. Rice, Russell, Ryan, Schwinden, Schye, Squires, Stanford, Strizich, Swanson, Toole, Tuss, Whalen, Wyatt.

Total 34

Excused: H.S. Hanson.

Total 1

Absent or not voting: Driscoll, J. Rice.

Total 2

**HB 193** - Representative Mercer moved consideration of HB 193 be placed at the top of the second reading board. Motion carried.

**HB 193** - Representative Tuss moved HB 193 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Endy, Ewer, Fagg, Feland, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 94

Noes: Ellis.

Total 1

Excused: H.S. Hanson.

Total 1

Absent or not voting: Benedict, Fisher, L. Nelson, J. Rice.

Total 4

Representative Grinde moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman Ream moved the adoption of the committee report. Report adopted. (93-5)

Representative Grinde moved the House recess until 1:15 p.m. Motion carried.

House recessed at 11:41 a.m.

House reconvened at 1:15 p.m. Mr. Speaker in the Chair.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Driscoll in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 507** - Representative Sayles moved HB 507 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Barnett, Barnhart, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Gilbert, Grady, Grimes, Grinde, M. Hanson, Harrington, Hayne, Herron, Hibbard, Keller, Knox, Mason, McCarthy, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Rehbein, S. Rice, Rose, Ryan, Sayles, Schye, Simon, Simpkins, Smith, Spring, Squires, Swanson, Tash, Tunby, Vogel, Wagner, Wallin, Wiseman, Zook, Mr. Speaker.

Total 65

Noes: Bardanouve, Benedict, Brooke, Brown, Dolezal, Dowell, Driscoll, Elliott, Feland, Galvin, Gervais, Hansen, Harper, J. Johnson, Kadas, Kasten, Larson, McCaffree, McCulloch, Raney, Ream, J. Rice, Russell, Schwinden, Stanford, Stovall, Strizich, Toole, Tuss, Wanzenried, Whalen, Winslow, Wyatt.

Total 33

Excused: H.S. Hanson.

Total 1

Absent or not voting: R. Johnson.

Total 1



**HB 548** - Representative Strizich moved HB 548 do pass. Motion carried as follows:

Ayes: Anderson, Bardanoue, Barnett, Barnhart, Benedict, Bird, Boharski, Bohlinger, Brandewie, Brooke, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, M. Hanson, Harper, Harrington, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, T. Nelson, Orr, Pavlovich, Peck, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Vogel, Wagner, Wallin, Wanzenried, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 83

Noes: Bachini, Bergman, Bergsagel, Brown, DeBruycker, Feland, Hansen, Hayne, Kasten, Larson, L. Nelson, Peterson, Rehbein, Tuss, Whalen.

Total 15

Excused: H.S. Hanson.

Total 1

Absent or not voting: Grinde.

Total 1

Representative Bird excused at this time.

**HB 596** - Representative Wiseman moved HB 596 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanoue, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Gervais, Gilbert, Grady, Grimes, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 92

Noes: Galvin, Hansen, McCaffree, Ryan, Stanford, Tuss.

Total 6

Voted Absentee: Bird, Aye.

Excused: H.S. Hanson.

Total 1

Absent or not voting: Grinde.

Total 1

**HJR 20** - Representative Knox moved HJR 20 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 99

Noes: None.

Total 0

Voted Absentee: Bird, Aye.

Excused: H.S. Hanson.

Total 1

Absent or not voting: None.

Total 0

**HJR 23** - Representative Gervais moved HJR 23 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 96

Noes: Bergman, Clark, Orr.

Total 3

Voted Absentee: Bird, Aye.

Excused: H.S. Hanson.

Total 1

Absent or not voting: None.

Total 0

**HB 650** - Representative Strizich moved HB 650 do pass. Motion carried as follows:

Ayes: Barnett, Barnhart, Bird, Boharski, Bohlinger, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Ellis, Endy, Fagg, Fisher, Foster, Galvin, Gervais, Grady, Grimes, Hansen, Harper, Harrington, Hibbard, J. Johnson, R. Johnson, Kadas, Larson, Mason, McCarthy, McCulloch, Menahan, T. Nelson, Orr, Pavlovich, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Schwinden, Schye, Simon, Simpkins, Smith, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wallin, Wanzenried, Whalen, Winslow, Wyatt.

Total 67

Noes: Anderson, Bachini, Bardanouve, Benedict, Bergman, Bergsagel, Brandewie, Cobb, DeBruycker, Elliott, Ewer, Feland, Gilbert, Grinde, M. Hanson, Hayne, Herron, Kasten, Keller, Knox, McCaffree, Mills, Molnar, L. Nelson, Peck, Rehbein, Sayles, Spring, Wagner, Wiseman, Zook, Mr. Speaker.

Total 32

Voted Absentee: Bird, Aye.

Excused: H.S. Hanson.

Total 1

Absent or not voting: None.

Total 0

**HB 346** - Representative Toole moved HB 346, second reading copy, be amended (amendment #1). Amendment #1 failed as follows: (38-59)

Representative Brown moved HB 346, second reading copy, be amended (amendment #2). Amendment #2 failed as follows: (44-54)

Representative Benedict moved HB 346 do pass. Motion carried as follows:

Ayes: Anderson, Barnett, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Clark, Cobb, Daily, DeBruycker, Dowell, Elliott, Ellis, Fagg, Feland, Fisher, Foster, Gilbert, Grady, Grimes, Grinde, M. Hanson, Hayne, Herron, Hibbard, R. Johnson, Kasten, Keller, Knox, Larson, Mason, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peterson, Quilici, Rehbein, J. Rice, S. Rice, Rose, Ryan, Sayles, Simon, Simpkins, Smith, Spring, Stanford, Stovall, Tash, Tunby, Vogel, Wagner, Wallin, Winslow, Wiseman, Zook, Mr. Speaker.

Total 63



Noes: Bardanouve, Barnhart, Brooke, Brown, Cocchiarella, Davis, Dolezal, Driscoll, Endy, Galvin, Gervais, Hansen, Harper, Harrington, J. Johnson, Kadas, McCaffree, McCarthy, McCulloch, Menahan, Raney, Ream, Russell, Schwinden, Schye, Squires, Strizich, Swanson, Toole, Tuss, Wanzenried, Whalen, Wyatt.

Total 33

Voted Absentee: Bird, Aye.

Excused: H.S. Hanson.

Total 1

Absent or not voting: Bachini, Ewer, Peck.

Total 3

**HB 631** - Representative Wallin moved HB 631 do pass.

Representative R. Johnson made a substitute motion HB 631, second reading copy, be amended as follows (amendment #1):

1. Page 1, line 24.

Following: "entity"

Insert: "other than a port authority created under Title 7, Chapter 14, Part 11,"

2. Page 2, line 17.

Following: "entity"

Insert: "other than a port authority created under Title 7, Chapter 14, Part 11,"

Amendment #1 passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grimes, Grinde, Hansen, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 94

Noes: Bergsagel, Vogel.

Total 2

Excused: Bird, H.S. Hanson.

Total 2

Absent or not voting: Grady, McCulloch.

Total 2

Representative Wallin moved HB 631, as amended, do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Boharski, Bohlinger, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grimes, Grinde, Hansen, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 93

Noes: Bergsagel, Brandewie, Vogel.

Total 3

Excused: Bird, H.S. Hanson.

Total 2

Absent or not voting: Grady, McCulloch.

Total 2

**HB 480** - Representative Harper moved HB 480 do pass. Motion failed as follows:

Ayes: Bardanouve, Barnhart, Bird, Bohlinger, Brooke, Cocchiarella, Davis, Dolezal, Dowell, Driscoll, Elliott, Endy, Ewer, Fisher, Galvin, Gervais, Grady, Hansen, Harper, Harrington, J. Johnson, Kadas, Larson, McCaffree, McCarthy, McCulloch, Menahan, T. Nelson, Quilici, Raney, Ream, S. Rice, Russell, Ryan, Schwinden, Schye, Squires, Stanford, Stovall, Strizich, Swanson, Toole, Tuss, Wallin, Wanzenried, Whalen.

Total 46

Noes: Anderson, Bachini, Barnett, Benedict, Bergman, Bergsagel, Boharski, Brandewie, Brown, Clark, Cobb, Daily, DeBruycker, Ellis, Fagg, Feland, Foster, Gilbert, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Herron, Hibbard, R. Johnson, Kasten, Keller, Knox, Mason, Mills, Molnar, L. Nelson, Orr, Pavlovich, Peck, Peterson, Rehbein, J. Rice, Rose, Sayles, Simon, Simpkins, Smith, Spring, Tash, Tunby, Vogel, Wagner, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 54

Voted Absentee: Bird, Aye; H.S. Hanson, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Ream assumed the Chair at this time.

**HB 535** - Representative Foster moved HB 535, second reading copy, be amended as follows (amendment #1):

1. Page 2, line 8.

Following: "made"

Insert: "substantial"

Following: "improvements"

Insert: "for irrigation purposes"

Amendment #1 passed as follows:

Ayes: Anderson, Bachini, Bardanoue, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Mason, McCaffree, McCarthy, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Peck, Peterson, Quilici, Raney, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Zook, Mr. Speaker.

Total 91

Noes: Davis, Hansen, Larson, McCulloch, Pavlovich, Ream, Wyatt.

Total 7

Excused: Bird, H.S. Hanson.

Total 2

Absent or not voting: None.

Total 0

Representative Bird present at this time.

Representative Foster moved HB 535, as amended, do pass. Motion carried as follows:

Ayes: Anderson, Barnett, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brown, Clark, Cobb, Ellis, Fagg, Feland, Foster, Gilbert, Grady, Grimes, Grinde, M. Hanson, Hayne, Herron, Hibbard, R. Johnson, Kasten, Keller, Knox, Mason, McCaffree, Mills, Molnar, L. Nelson, T. Nelson, Orr, Peterson, Rehbein, J. Rice, Rose, Sayles, Simon, Simpkins, Smith, Spring, Stovall, Tash, Tunby, Vogel, Wagner, Wallin, Winslow, Wiseman, Zook, Mr. Speaker.

Total 54

Noes: Bachini, Bardanouve, Barnhart, Brooke, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Endy, Ewer, Fisher, Galvin, Gervais, Hansen, Harper, Harrington, J. Johnson, Kadas, Larson, McCarthy, McCulloch, Menahan, Pavlovich, Peck, Quilici, Raney, Ream, S. Rice, Russell, Ryan, Schwinden, Schye, Squires, Stanford, Strizich, Swanson, Toole, Tuss, Wanzenried, Whalen, Wyatt.

Total 45

Excused: H.S. Hanson.

Total 1

Absent or not voting: None.

Total 0

**HB 570** - Representative Grinde moved HB 570, second reading copy, be amended as follows (amendment #1):

1. Page 4, line 24.

Following: "term"

Insert: "does not"

Strike: "includes"

Insert: "include"

Amendment #1 passed as follows:

Ayes: Anderson, Bachini, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Bohlinger, Brandewie, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Larson, Mason, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 92

Noes: Boharski, Cobb, Kasten.

Total 3

Excused: H.S. Hanson.

Total 1

Absent or not voting: Bardanouve, Elliott, M. Hanson, McCaffree.

Total 4

Representative Grinde moved HB 570, second reading copy, be further amended as follows (amendment #2):

1. Page 5, line 3.

Following: "any"



Insert: "real"

Amendment #2 passed as follows:

Ayes: Anderson, Bachini, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 96

Noes: Cobb.

Total 1

Excused: H.S. Hanson.

Total 1

Absent or not voting: Bardanouve, Elliott.

Total 2

Representative Grinde moved HB 570, second reading copy, be further amended as follows (amendment #3):

1. Page 3, line 10.

Following: "property."

Insert: "Damaging is further established through the interpretations of the supreme court of Montana."

2. Page 5, line 18.

Following: "constitution."

Insert: "Taking is further established through the interpretations of the supreme court of the United States and the supreme court of Montana."

Amendment #3 passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich,

Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 96

Noes: Cobb, Kasten, Peck.  
Total 3

Excused: H.S. Hanson.  
Total 1

Absent or not voting: None.  
Total 0

Representative Grinde moved HB 570, second reading copy, be further amended as follows (amendment #4):

1. Page 3, line 14.  
Following: "in a "  
Insert: "constitutional"

2. Page 6, line 14.  
Following: "of a "  
Insert: "constitutional"

Amendment #4 passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 94

Noes: Cobb, Kasten, Peck, Rehbein, Spring.  
Total 5

Excused: H.S. Hanson.  
Total 1

Absent or not voting: None.  
Total 0

Representative Grinde moved HB 570, second reading copy, be further amended as follows (amendment #5):

1. Page 6, lines 5 and 6.

Following: "property" on line 5

Strike: "and" on line 5 through "result" on line 6

2. Page 6, lines 15 through 19.

Following: "property;" on line 15

Insert: "and"

Strike: subsection (5) in its entirety

Renumber: subsequent subsection

3. Page 7, lines 5 and 6.

Following: "actions" on line 5

Strike: ":

(a)"

Insert: ". "

4. Page 7, lines 16 through 19.

Strike: subsection (B) in its entirety

Amendment #5 passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Bohlinger, Brandewie, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 93

Noes: Boharski, Cobb, Kasten, Peck, Rehbein.

Total 5

Excused: H.S. Hanson.

Total 1

Absent or not voting: Toole.

Total 1

Representative Grinde moved HB 570, as amended, do pass.

Representative Toole made a substitute motion HB 570, second reading copy, be amended (amendment #6). Amendment #6 failed as follows: (43-56)

After a lengthy debate, Representative Daily made a motion for cloture on HB 570. Motion carried.

Representative Grinde moved his original motion that HB 570, as amended, do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Barnett, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Clark, Cobb, Daily, DeBruycker, Ellis, Fagg, Feland, Fisher, Foster, Gilbert, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Herron, Hibbard, R. Johnson, Kasten, Keller, Knox, Mason, Mills, Molnar, L. Nelson, T. Nelson, Orr, Peterson, Rehbein, J. Rice, Rose, Sayles, Schwinden, Simon, Simpkins, Smith, Spring, Stovall, Tash, Tunby, Vogel, Wagner, Wallin, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 59

Noes: Bardanouve, Barnhart, Brooke, Cocchiarella, Davis, Dolezal, Dowell, Driscoll, Elliott, Endy, Ewer, Galvin, Gervais, Hansen, Harper, Harrington, J. Johnson, Kadas, Larson, McCaffree, McCarthy, McCulloch, Menahan, Pavlovich, Peck, Quilici, Raney, Ream, S. Rice, Russell, Ryan, Schye, Squires, Stanford, Strizich, Swanson, Toole, Tuss, Wanzenried, Whalen.  
Total 40

Voted Absentee: H.S. Hanson, Aye.

Excused: None.  
Total 0

Absent or not voting: Brown.  
Total 1

**HB 582** - Representative Fagg moved HB 582, second reading copy, be amended as follows (amendment #1):

1. Page 3, line 17.  
Following: "applicant"  
Insert: ", upon the applicant's request,"

Amendment #1 passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, M. Hanson, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Peck, Peterson, Quilici, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 94

Noes: Dowell, Driscoll, Pavlovich, Raney.  
Total 4



Excused: H.S. Hanson.

Total 1

Absent or not voting: Harper.

Total 1

Representative Brown moved HB 582, as amended, do pass. Motion carried as follows:

Ayes: Anderson, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 95

Noes: Bachini, Bardanouve, Brooke, Russell.

Total 4

Excused: H.S. Hanson.

Total 1

Absent or not voting: None.

Total 0

**HB 610** - Representative Whalen moved HB 610 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnhart, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Fagg, Fisher, Foster, Galvin, Gervais, Grady, Grimes, Hansen, M. Hanson, Harper, Harrington, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Larson, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Pavlovich, Peck, Quilici, Raney, Ream, J. Rice, S. Rice, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Squires, Stanford, Stovall, Strizich, Swanson, Tunby, Tuss, Vogel, Wagner, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 77

Noes: Barnett, Benedict, Bergsagel, Cobb, DeBruycker, Ewer, Feland, Gilbert, Grinde, Hayne, Kasten, Keller, Knox, Mason, Orr, Peterson, Rehbein, Rose, Spring, Tash, Toole, Wallin.

Total 22

Excused: H.S. Hanson.

Total 1

Absent or not voting: None.

Total 0

**HB 614** - Representative Boharski moved HB 614, second reading copy, be amended as follows (amendment #1):

1. Title, line 14.

Strike: "AND"

Following: "MCA"

Insert: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

2. Page 17, line 23.

Following: line 22.

Insert: "NEW SECTION. Section 6. Effective date. [This act] is effective on passage and approval."

Amendment #1 passed as follows:

Ayes: Anderson, Bachini, Bardanoue, Barnett, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Clark, Cobb, DeBruycker, Dowell, Ellis, Fagg, Feland, Fisher, Foster, Galvin, Grady, Grimes, Grinde, Hansen, M. Hanson, Hayne, Herron, Hibbard, J. Johnson, Kasten, Keller, Knox, Mason, McCarthy, Molnar, T. Nelson, Orr, Peck, Peterson, Quilici, Rehbein, J. Rice, Sayles, Simon, Simpkins, Spring, Stanford, Stovall, Swanson, Tash, Tunby, Vogel, Wagner, Wallin, Wanzenried, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 62

Noes: Barnhart, Brown, Cocchiarella, Daily, Davis, Dolezal, Driscoll, Endy, Ewer, Gervais, Harper, Harrington, R. Johnson, Kadas, Larson, McCaffree, McCulloch, Menahan, Mills, L. Nelson, Pavlovich, Ream, S. Rice, Rose, Russell, Ryan, Schwinden, Schye, Smith, Squires, Toole, Tuss, Whalen.

Total 33

Excused: H.S. Hanson.

Total 1

Absent or not voting: Elliott, Gilbert, Raney, Strizich.

Total 4

Representative Boharski moved HB 614, as amended, do pass. Motion failed as follows:

Ayes: Anderson, Bachini, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Boharski, Bohlinger, Brooke, Clark, Cobb, Ellis, Fagg, Feland, Fisher, Foster, Grady, Grimes, Grinde, M. Hanson, Hayne, R. Johnson, Kasten, Keller, Knox, Mason, Mills, T. Nelson, Orr, Peck, Peterson, Rehbein, Ryan, Sayles, Simon, Simpkins, Smith, Stovall, Swanson, Tash, Tunby, Vogel, Wagner, Wanzenried, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 49

Noes: Bardanoue, Bird, Brandewie, Brown, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Endy, Ewer, Galvin, Gervais, Gilbert, Hansen, Harper, Harrington, Herron, Hibbard, J. Johnson, Kadas, Larson, McCaffree, McCarthy, McCulloch, Menahan, Molnar, L. Nelson, Pavlovich, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Schwinden, Schye, Spring, Squires, Stanford, Strizich, Toole, Tuss, Wallin, Whalen, Winslow.

Total 50

Excused: H.S. Hanson.

Total 1

Absent or not voting: None.

Total 0

**HB 619** - Representative Whalen moved HB 619 do pass. Motion carried as follows:

Ayes: Bachini, Bardanoue, Barnett, Barnhart, Bergman, Bird, Boharski, Bohlinger, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, Kadas, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Toole, Tunby, Tuss, Vogel, Wallin, Wanzenried, Whalen, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 85

Noes: Benedict, Bergsagel, Brandewie, DeBruycker, Ewer, R. Johnson, Kasten, Peterson, Rehbein, Wagner.

Total 10

Excused: H.S. Hanson.

Total 1

Absent or not voting: Anderson, Simon, Tash, Winslow.

Total 4

**HB 638** - Representative Grimes moved HB 638 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanoue, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich,

Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried,  
Whalen, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 96

Noes: DeBruycker, Fisher, Winslow.  
Total 3

Excused: H.S. Hanson.  
Total 1

Absent or not voting: None.  
Total 0

**HB 196** - Representative Driscoll moved HB 196 do pass. Motion carried as follows:

Ayes: Anderson, Bardanouve, Barnett, Benedict, Bergman, Bergsagel, Bird, Bohlinger, Brandewie, Clark, Cobb, Davis, DeBruycker, Driscoll, Elliott, Ellis, Feland, Fisher, Foster, Gilbert, Grady, Grimes, Grinde, M. Hanson, Harper, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Mason, Mills, Molnar, T. Nelson, Orr, Peterson, Raney, Ream, Rehbein, J. Rice, Rose, Ryan, Sayles, Simon, Simpkins, Spring, Squires, Stovall, Strizich, Tash, Toole, Tunby, Vogel, Wagner, Wallin, Whalen, Winslow, Wiseman, Zook, Mr. Speaker.  
Total 64

Noes: Bachini, Barnhart, Boharski, Brooke, Brown, Cocchiarella, Daily, Dolezal, Dowell, Endy, Ewer, Fagg, Galvin, Gervais, Hansen, Harrington, Larson, McCaffree, McCarthy, McCulloch, Menahan, L. Nelson, Pavlovich, Peck, Quilici, S. Rice, Russell, Schwinden, Schye, Smith, Stanford, Swanson, Tuss, Wanzenried, Wyatt.  
Total 35

Excused: H.S. Hanson.  
Total 1

Absent or not voting: None.  
Total 0

**HB 227** - Representative Toole moved HB 227, second reading copy, be amended as follows (amendment #1):

1. Page 6, line 20.  
Following: "state"  
Strike: "officer or"

2. Page 6, line 22.  
Following: "suspended"  
Insert: "by the employee's supervisor. A state official, other than an elected official, who commits a violation of subsection (2) may be reprimanded or suspended by the governor. An elected state official who violates the provisions of subsection (2) is subject to the punishment allowed by law."



3. Page 8, lines 3 and 9.

Following: "violation" on lines 3 and 9

Insert: "by a state officer"

4. Page 9, lines 6 through 13.

Strike: "The" on line 6 through "favors" on line 13

Insert: "Upon the filing of a complaint in the office of the commissioner, if the commissioner determines there are reasonable grounds to believe that there has been a violation by a public official or official-elect of 2-2-103, 2-2-104, 2-2-121, or 2-2-131, the commissioner may, in accordance with rules the commissioner shall prescribe, require the public official or official-elect to provide additional financial data related to the alleged violation. The financial data may include but is not limited to information on income, securities and other investments, debts and creditors, and gifts or favors"

Amendment #1 passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bird, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, M. Hanson, Harper, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Molnar, L. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 90

Noes: Bergman, Bergsagel, Hayne, Mills, T. Nelson.

Total 5

Excused: H.S. Hanson.

Total 1

Absent or not voting: Boharski, Cocchiarella, Harrington, Wanzenried.

Total 4

Representative Brown moved HB 227, second reading copy, be further amended (amendment #2). Amendment #2 failed as follows: (46-51)

Representative Toole moved HB 227, as amended, do pass. Motion carried as follows:

Ayes: Bardanouve, Barnett, Barnhart, Bird, Boharski, Brooke, Brown, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Endy, Ewer, Fagg, Galvin, Gervais, Grimes, Grinde, Harper, Harrington, Hibbard, J. Johnson, Kadas, Larson, McCaffree, McCulloch, Menahan, Molnar, Orr, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Schwinden, Schye, Simpkins, Squires, Stanford, Strizich, Swanson, Toole, Tuss, Wanzenried, Whalen, Wyatt, Mr. Speaker.

Total 53

Noes: Anderson, Bachini, Benedict, Bergman, Bergsagel, Bohlinger, Brandewie, Clark, Cobb, DeBruycker, Ellis, Feland, Fisher, Foster, Gilbert, Grady, Hansen, M. Hanson, Hayne, Herron, R. Johnson, Kasten, Keller, Knox, Mason, McCarthy, Mills, L. Nelson, T. Nelson, Pavlovich, Peck, Peterson, Rehbein, Sayles, Simon, Smith, Spring, Stovall, Tash, Tunby, Vogel, Wagner, Wallin, Winslow, Wiseman, Zook.

Total 46

Excused: H.S. Hanson.

Total 1

Absent or not voting: None.

Total 0

Representative Driscoll resumed the Chair at this time.

**HB 431** - Representative Strizich moved HB 431 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bird, Bohlinger, Brandewie, Brooke, Brown, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, Harper, Harrington, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 85

Noes: Bergman, Bergsagel, Boharski, Clark, DeBruycker, Elliott, Feland, M. Hanson, Hayne, Kasten, Keller, Peck, Rehbein, Smith.

Total 14

Excused: H.S. Hanson.

Total 1

Absent or not voting: None.

Total 0

**HJR 19** - Representative Boharski moved HJR 19 do pass. Motion carried as follows:

Ayes: Anderson, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brown, Clark, Cobb, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason,

McCarthy, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peterson, Quilici, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 91

Noes: Bachini, Brooke, Cocchiarella, McCulloch, Peck, Raney.

Total 6

Excused: H.S. Hanson.

Total 1

Absent or not voting: Elliott, McCaffree.

Total 2

**HB 541** - Representative L. Nelson moved HB 541 do pass. Motion carried as follows:

Ayes: Bardanouve, Barnett, Barnhart, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Galvin, Gervais, Grimes, Grinde, Hansen, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, Orr, Pavlovich, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Wallin, Whalen, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 86

Noes: Anderson, Bachini, Benedict, Feland, Foster, Gilbert, Grady, T. Nelson, Peck, Vogel, Wagner, Wanzenried, Winslow.

Total 13

Excused: H.S. Hanson.

Total 1

Absent or not voting: None.

Total 0

**SB 161** - Representative Benedict moved SB 161 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Foster, Galvin, Gervais, Grady, Grimes, Grinde, Hansen, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr,

Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 93

Noes: Boharski, Feland, Fisher, Gilbert, R. Johnson, Peterson.

Total 6

Excused: H.S. Hanson.

Total 1

Absent or not voting: None.

Total 0

**HB 644** - Representative Brown moved HB 644, second reading copy, be amended as follows (amendment #1):

1. Title, line 7.

Following: "CONTRACTS;"

Insert: "AMENDING SECTION 15-10-412, MCA;"

2. Page 1, following line 10.

Insert: "NEW SECTION. Section 1. Short title. [Sections 1 through 7 and 9 through 12] may be cited as the "Lease-Purchase Contract Act".

NEW SECTION. Section 2. Definitions. As used in [sections 1 through 7 and 9 through 12], the following definitions apply:

(1) "Building" means any structure or other improvement to real estate that is to be constructed, leased, and sold to a governmental unit pursuant to a lease purchase-contract. A structure or other improvement to real estate in existence at the time a lease-purchase contract is entered into may not be the subject of the lease-purchase contract.

(2) "Governmental unit" means the state or any county, city or town.

(3) "Lease-purchase contract" means a contract entered into pursuant to [sections 1 through 7 and 9 through 12], whereby the lessor leases and sells a building to a governmental unit.

(4) "Local government" means any county, city, or town.

NEW SECTION. Section 3. Authority to enter into lease-purchase contracts. Any governmental unit may acquire by lease-purchase contract any building and the site on which it is located that it is otherwise authorized to acquire. A lease-purchase contract must include:

(1) the term of the lease-purchase contract, which may not exceed the shorter of the estimated useful life of the building or 20 years;

(2) the amount of rent and the dates when the rent is due; and



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(3) an option for the governmental unit to purchase the building and building site on one or more dates before the expiration of the lease-purchase contract, with specified prices, terms, and conditions. At the expiration of a lease-purchase contract, the governmental unit shall acquire ownership of the building and building site.

NEW SECTION. Section 4. Indebtedness -- procedure -- election. (1) A lease-purchase contract must include a provision for allocation of each rent payment to principal and interest, and the aggregate amount payable by the governmental unit constitutes an indebtedness of the governmental unit. A local government may not enter into a lease-purchase contract if the indebtedness evidenced thereby would cause the local government to exceed any applicable limitation on the local government pertaining to incurring indebtedness. The amount of indebtedness evidenced by a lease-purchase contract must be considered taken into account in determining the total amount of indebtedness that a local government may incur.

(2) A local government may not enter into a lease-purchase contract without submitting the question of entering into the lease-purchase contract to the registered electors of the local government in a general or special election. The notice of the election must state the date of the election, the hours the polls will be open, the question to be submitted to the electors, the term period of the lease-purchase contract, the principal amount of indebtedness, and any other information that the governing body may consider proper. The question submitted to the electors must be in substantially the following form:

Shall the governing body of the \_\_\_\_ (name of the local government) be authorized to enter into a lease-purchase contract for the acquisition of a building to be used \_\_\_\_ (state the general or primary use for the building), for a term not to exceed \_\_\_\_ years, evidencing indebtedness to the \_\_\_\_ (name of the local government) in a principal amount up to \$ \_\_\_\_?

Yes ☐

No ☐

(3) In lieu of submitting only the question of entering into a lease-purchase contract to the registered electors, the governing body may submit to the registered electors the question of issuing general obligation bonds or of entering into a lease-purchase contract, in which case the question to be submitted to the registered electors must be in substantially the following form:

Shall the governing body of the \_\_\_\_ (name of the local government) be authorized to incur debt in a principal amount up to \$ \_\_\_\_ to finance the acquisition of a building to be used for \_\_\_\_ (state the general or primary use for the building), with the debt to be evidenced either by general obligation bonds or by a lease-purchase contract, payable over a term not to exceed \_\_\_\_ years?

Yes ☐

No ☐

NEW SECTION. Section 5. Tax levies for payment of rent under lease-purchase contract. If a lease-purchase contract is approved by the registered electors in accordance with [section 4], the amount of taxes required to make rental payment under the lease purchase-contract is not subject to the limitations of 15-10-412.

NEW SECTION. Section 6. Payment of operating expenses. A lease-purchase contract may contain provisions requiring the governmental unit or the lessor to pay part or all of the costs of insuring, maintaining, and repairing the building throughout the term of the lease-purchase contract. These obligations, if assumed by the governmental unit, do not constitute indebtedness on the part of the governmental unit.

NEW SECTION. Section 7. Tax-exempt interest. The interest payable on any lease-purchase contract, when separately identified as interest in the lease-purchase contract, may not be included in gross income for purposes of the Montana individual income tax.

Section 8. Section 15-10-412, MCA, is amended to read:  
"15-10-412. Property tax limited to 1986 levels -- clarification -- extension to all property classes. Section 15-10-402 is interpreted and clarified as follows:

(1) The limitation to 1986 levels is extended to apply to all classes of property described in Title 15, chapter 6, part 1.

(2) The limitation on the amount of taxes levied is interpreted to mean that, except as otherwise provided in this section, the actual tax liability for an individual property is capped at the dollar amount due in each taxing unit for the 1986 tax year. In tax years thereafter, the property must be taxed in each taxing unit at the 1986 cap or the product of the taxable value and mills levied, whichever is less for each taxing unit, except in a taxing unit that levied a tax in tax years 1983 through 1985 but did not levy a tax in 1986, in which case the actual tax liability for an individual property is capped at the dollar amount due in that taxing unit for the 1985 tax year.

(3) The limitation on the amount of taxes levied does not mean that no further increase may be made in the total taxable valuation of a taxing unit as a result of:

(a) annexation of real property and improvements into a taxing unit;

(b) construction, expansion, or remodeling of improvements;

(c) transfer of property into a taxing unit;

(d) subdivision of real property;

(e) reclassification of property;

(f) increases in the amount of production or the value of production for property described in 15-6-131 or 15-6-132;

(g) transfer of property from tax-exempt to taxable status;

or

(h) revaluations caused by:

- (i) cyclical reappraisal; or
- (ii) expansion, addition, replacement, or remodeling of improvements.

(4) The limitation on the amount of taxes levied does not mean that no further increase may be made in the taxable valuation or in the actual tax liability on individual property in each class as a result of:

- (a) a revaluation caused by:
  - (i) construction, expansion, replacement, or remodeling of improvements that adds value to the property; or
  - (ii) cyclical reappraisal;
- (b) transfer of property into a taxing unit;
- (c) reclassification of property;
- (d) increases in the amount of production or the value of production for property described in 15-6-131 or 15-6-132;
- (e) annexation of the individual property into a new taxing unit; or
- (f) conversion of the individual property from tax-exempt to taxable status.

(5) Property in classes four and eleven is valued according to the procedures used in 1986, including the designation of 1982 as the base year, until the reappraisal cycle beginning January 1, 1986, is completed and new valuations are placed on the tax rolls and a new base year designated, if the property is:

- (a) new construction;
- (b) expanded, deleted, replaced, or remodeled improvements;

- (c) annexed property; or
- (d) property converted from tax-exempt to taxable status.

(6) Property described in subsections (5)(a) through (5)(d) that is not class four or class eleven property is valued according to the procedures used in 1986 but is also subject to the dollar cap in each taxing unit based on 1986 mills levied.

(7) The limitation on the amount of taxes, as clarified in this section, is intended to leave the property appraisal and valuation methodology of the department of revenue intact. Determinations of county classifications, salaries of local government officers, and all other matters in which total taxable valuation is an integral component are not affected by 15-10-401 and 15-10-402 except for the use of taxable valuation in fixing tax levies. In fixing tax levies, the taxing units of local government may anticipate the deficiency in revenues resulting from the tax limitations in 15-10-401 and 15-10-402, while understanding that regardless of the amount of mills levied, a taxpayer's liability may not exceed the dollar amount due in each taxing unit for the 1986 tax year unless:

- (a) the taxing unit's taxable valuation decreases by 5% or more from the 1986 tax year. If a taxing unit's taxable valuation decreases by 5% or more from the 1986 tax year, it may levy additional mills to compensate for the decreased taxable valuation, but in no case may the mills levied exceed a number calculated to equal the revenue from property taxes for the 1986 tax year in that taxing unit.



(b) a levy authorized under Title 20 raised less revenue in 1986 than was raised in either 1984 or 1985, in which case the taxing unit may, after approval by the voters in the taxing unit, raise each year thereafter an additional number of mills but may not levy more revenue than the 3-year average of revenue raised for that purpose during 1984, 1985, and 1986;

(c) a levy authorized in 50-2-111 that was made in 1986 was for less than the number of mills levied in either 1984 or 1985, in which case the taxing unit may, after approval by the voters in the taxing unit, levy each year thereafter an additional number of mills but may not levy more than the 3-year average number of mills levied for that purpose during 1984, 1985, and 1986.

(8) The limitation on the amount of taxes levied does not apply to the following levy or special assessment categories, whether or not they are based on commitments made before or after approval of 15-10-401 and 15-10-402:

- (a) rural improvement districts;
- (b) special improvement districts;
- (c) levies pledged for the repayment of bonded indebtedness, including tax increment bonds;
- (d) city street maintenance districts;
- (e) tax increment financing districts;
- (f) satisfaction of judgments against a taxing unit;
- (g) street lighting assessments;
- (h) revolving funds to support any categories specified in this subsection (8);

(i) levies for economic development authorized pursuant to 90-5-112(4);

(j) levies authorized under 7-6-502 for juvenile detention programs; ~~and~~

(k) elementary and high school districts; and

(l) levies required to make rental payments under a lease-purchase contract approved under the provisions of [section 4].

(9) The limitation on the amount of taxes levied does not apply in a taxing unit if the voters in the taxing unit approve an increase in tax liability following a resolution of the governing body of the taxing unit containing:

(a) a finding that there are insufficient funds to adequately operate the taxing unit as a result of 15-10-401 and 15-10-402;

(b) an explanation of the nature of the financial emergency;

(c) an estimate of the amount of funding shortfall expected by the taxing unit;

(d) a statement that applicable fund balances are or by the end of the fiscal year will be depleted;

(e) a finding that there are no alternative sources of revenue;

(f) a summary of the alternatives that the governing body of the taxing unit has considered; and

(g) a statement of the need for the increased revenue and how it will be used.

(10) (a) The limitation on the amount of taxes levied does not apply to levies required to address the funding of relief of



suffering of inhabitants caused by famine, conflagration, or other public calamity.

(b) The limitation set forth in this chapter on the amount of taxes levied does not apply to levies to support:

(i) a city-county board of health as provided in Title 50, chapter 2, if the governing bodies of the taxing units served by the board of health determine, after a public hearing, that public health programs require funds to ensure the public health. A levy for the support of a local board of health may not exceed the 5-mill limit established in 50-2-111.

(ii) county, city, or town ambulance services authorized by a vote of the electorate under 7-34-102(2).

(11) The limitation on the amount of taxes levied by a taxing jurisdiction subject to a statutory maximum mill levy does not prevent a taxing jurisdiction from increasing its number of mills beyond the statutory maximum mill levy to produce revenue equal to its 1986 revenue.

(12) The limitation on the amount of taxes levied does not apply to a levy increase to repay taxes paid under protest in accordance with 15-1-402.""

Renumber: subsequent sections

3. Page 1, line 25.

Strike: "2"

Insert: "10"

Strike: "4"

Insert: "12"

4. Page 2, line 7.

Strike: "1"

Insert: "9"

5. Page 5, line 22.

Strike: "2"

Insert: "10"

6. Page 6, line 4.

Strike: "2"

Insert: "10"

Amendment #1 passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 98

Noes: Wanzenried.

Total 1

Excused: H.S. Hanson.

Total 1

Absent or not voting: None.

Total 0

Representative Brown moved HB 644, as amended, do pass. Motion carried as follows:

Ayes: Anderson, Bardanoue, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wallin, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 90

Noes: Bachini, DeBruycker, Galvin, McCaffree, Peck, Peterson, Simon, Wagner, Wanzenried.

Total 9

Excused: H.S. Hanson.

Total 1

Absent or not voting: None.

Total 0

**HB 614** - Representative Boharski moved reconsideration of HB 614 on second reading this day. Motion failed as follows:

Ayes: Anderson, Barnett, Barnhart, Benedict, Bergman, Boharski, Bohlinger, Brandewie, Brooke, Clark, Cobb, Ellis, Fagg, Fisher, Foster, Grady, Grimes, Grinde, M. Hanson, Hayne, Herron, Hibbard, R. Johnson, Kasten, Keller, Knox, T. Nelson, Orr, Peterson, Rehbein, J. Rice, Sayles, Simon, Simpkins, Smith, Spring, Stovall, Tash, Tunby, Vogel, Wagner, Wallin, Wiseman, Zook.

Total 44

Noes: Bachini, Bardanoue, Bergsagel, Bird, Brown, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Endy, Ewer, Feland, Galvin, Gervais, Gilbert, Hansen, Harper, Harrington, J. Johnson, Kadas, Larson, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, Pavlovich, Peck, Quilici, Raney, Ream, S. Rice, Rose, Russell, Ryan, Schwinden, Schye, Squires, Stanford, Strizich, Swanson, Toole, Tuss, Wanzenried, Whalen, Winslow, Wyatt.

Total 53

Excused: H.S. Hanson.

Total 1

Absent or not voting: Mason, Mr. Speaker.

Total 2

Representative Grinde moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman Driscoll moved the adoption of the committee report. Report adopted. (80-18)

### REPORTS OF STANDING COMMITTEES

BILLS (Hayne, Chairman):

2/22/93

Correctly printed for second reading: HB 193, HB 346, HB 459, HB 535, HB 541, HB 570, HB 582, HB 610, HB 614, HB 619, HB 638, HJR 19.

Correctly engrossed for third reading: HB 75, HB 129, HB 157, HB 309, HB 314, HB 335, HB 355, HB 416, HB 419, HB 422, HB 432, HB 433, HB 448, HB 465, HB 470, HB 492, HB 503, HB 512, HB 517, HB 518, HB 530, HB 532, HB 534, HB 562, HB 564, HB 567, HB 571, HB 572, HB 581, HB 585, HB 586, HB 595, HB 599, HB 601, HB 606, HB 607, HB 613, HB 633, HB 634, HB 637, HJR 15, HJR 21.

Correctly enrolled: HB 180.

Signed by the Speaker at 12:00 p.m., 2/20/93: HB 180.

Delivered to the Governor for his approval at 11:45 a.m., 2/22/93: HB 39, HB 86, HB 96, HB 99, HB 137, HB 159, HB 160, HB 161, HB 178, HB 179, HB 209.

### MOTIONS

Representatives Pavlovich and Daily moved they be allowed to change their votes on HB 176, third reading, from no to aye. Motion carried.

Representative Grady moved HB 570 be taken from second reading and rereferred to the Committee on Appropriations. Motion carried.

Representative Grady moved HB 227 be taken from second reading and rereferred to the Committee on Appropriations. Motion carried.

### ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Representative Grinde moved the House adjourn until 1:30 p.m., Tuesday, February 23, 1993. Motion carried.

House adjourned at 6:48 p.m.

John Mercer, Speaker

Marilyn Miller, Chief Clerk

## FORTY-FOURTH LEGISLATIVE DAY

Helena, Montana  
February 23, 1993

House Chambers  
State Capitol

House convened at 1:30 p.m. Mr. Speaker in the Chair. Invocation by Representative Barnhart. Pledge of Allegiance to the Flag.

Roll call. All members present. Quorum present.

Mr. Speaker: We, your committee on Legislative Administration/Bills and Journal, having examined the daily journals for the thirty-ninth, fortieth and forty-first legislative days, find the same to be correct.

Harriet Hayne, Chairman

### REPORTS OF STANDING COMMITTEES

BILLS (Hayne, Chairman): 2/23/93  
Correctly engrossed for third reading: HB 193, HB 346, HB 425, HB 463,  
HB 485, HB 487, HB 507, HB 527, HB 548, HB 596, HB 631,  
HB 635, HB 650, HJR 20, HJR 23.

TAXATION (Gilbert, Chairman): 2/18/93  
**HB 421**, introduced bill, be amended as follows:

1. Page 1, line 15.  
Strike: "build and"

And, as amended, do pass. Report adopted.

**HB 495**, introduced bill, be amended as follows:

1. Page 1, line 21.  
Strike: "\$25"  
Insert: "\$175"

2. Page 2, line 4.  
Following: "held."  
Insert: "A fee of \$35 must accompany the notice."

And, as amended, do pass. Report adopted.

**HB 519**, introduced bill, do pass. Report adopted.  
**HB 539**, introduced bill, be amended as follows:

1. Page 2, line 13.  
Following: "fuel"  
Insert: "not intended for resale"

And, as amended, do pass. Report adopted.

### MESSAGES FROM THE SENATE

**SB 4**, introduced by Burnett, requiring adoption by an affirmative roll call vote of two-thirds of all the members of the Legislature, passed the Senate



and was transmitted on 2/22/93 to the House with the following vote: (8-40).

**SB 5**, introduced by Burnett, requiring adoption by an affirmative roll call vote of two-thirds of all the members of the Legislature, passed the Senate and was transmitted on 2/22/93 to the House with the following vote: (5-43).

**SB 242**, introduced by Burnett, requiring adoption by an affirmative roll call vote of two-thirds of all the members of the Legislature, passed the Senate and was transmitted on 2/22/93 to the House with the following vote: (5-43).

Senate bills passed and transmitted to the House for concurrence:

2/22/93

**SB 197**, introduced by Jergeson  
**SB 250**, introduced by Yellowtail  
**SB 278**, introduced by Christiaens  
**SB 280**, introduced by Grosfield  
**SB 282**, introduced by Swysgood  
**SB 288**, introduced by Fritz  
**SB 320**, introduced by McClernan  
**SB 331**, introduced by Lynch  
**SB 334**, introduced by Beck  
**SB 337**, introduced by Harp  
**SB 340**, introduced by Doherty  
**SB 346**, introduced by Yellowtail  
**SB 348**, introduced by Halligan  
**SB 352**, introduced by Keating  
**SB 355**, introduced by Harding  
**SB 358**, introduced by Hager  
**SB 361**, introduced by Towe  
**SB 362**, introduced by Bianchi  
**SB 364**, introduced by Rye  
**SB 375**, introduced by Bianchi  
**SB 385**, introduced by Vaughn  
**SB 411**, introduced by Bianchi  
**SJR 19**, introduced by Rea

Senate bills passed and transmitted to the House for concurrence:

2/23/93

**SB 266**, introduced by Crippen  
**SB 285**, introduced by Franklin  
**SB 323**, introduced by Christiaens  
**SB 332**, introduced by Weldon  
**SB 368**, introduced by Doherty  
**SB 372**, introduced by Swysgood  
**SB 384**, introduced by Lynch  
**SB 386**, introduced by Wilson  
**SB 390**, introduced by Christiaens  
**SB 395**, introduced by Harp  
**SB 397**, introduced by Doherty  
**SB 398**, introduced by Rea

**SB 399**, introduced by Eck  
**SB 403**, introduced by Rye  
**SB 406**, introduced by Bartlett  
**SB 407**, introduced by Fritz  
**SB 408**, introduced by Christiaens  
**SB 409**, introduced by Hockett  
**SB 416**, introduced by Bruski-Maus  
**SB 419**, introduced by Lynch  
**SB 420**, introduced by Lynch  
**SJR 20**, introduced by Yellowtail  
**SJR 22**, introduced by Hockett  
**SJR 23**, introduced by Rye  
**SJR 24**, introduced by Bianchi  
**SJR 25**, introduced by Bruski-Maus  
**SJR 27**, introduced by Christiaens

### MESSAGES FROM THE GOVERNOR

The Honorable John Mercer  
Speaker of the House  
State Capitol  
Helena, Montana 59620

February 22, 1993

Dear Representative Mercer:

Please be informed that I have signed House Bills 165 and 182 on February 22, 1993.

Sincerely,

MARC RACICOT  
Governor

### FIRST READING AND COMMITMENT OF BILLS AND RESOLUTIONS

**SB 4**, introduced by Burnett, referred to Committee on Judiciary  
**SB 5**, introduced by Burnett, referred to Committee on Judiciary  
**SB 9**, introduced by Towe, referred to Committee on Judiciary  
**SB 23**, introduced by Aklestad, referred to Committee on Judiciary  
**SB 32**, introduced by Blaylock (by request of the Joint Interim Subcommittee on School Funding), referred to Committee on Education and Cultural Resources  
**SB 39**, introduced by Keating (by request of the Committee on the Montana State Hospital), referred to Committee on Appropriations  
**SB 40**, introduced by Keating (by request of the Committee on the Montana State Hospital), referred to Committee on Appropriations  
**SB 94**, introduced by Keating, referred to Committee on Appropriations  
**SB 100**, introduced by Forrester, Harper, Dowell (by request of the Department of Administration), referred to Committee on State Administration  
**SB 112**, introduced by Harding, Davis, Vaughn, Nathe, referred to Committee on Local Government

**SB 118**, introduced by Towe, referred to Committee on Human Services and Aging

**SB 119**, introduced by Halligan, referred to Committee on Judiciary

**SB 120**, introduced by Franklin (by request of the Department of Corrections and Human Services), referred to Committee on Human Services and Aging

**SB 121**, introduced by Franklin, Strizich (by request of the Board of Nursing), referred to Committee on Human Services and Aging

**SB 130**, introduced by McClernan, referred to Committee on State Administration

**SB 157**, introduced by Jergeson, referred to Committee on Local Government

**SB 163**, introduced by Harp, Driscoll, B. Brown, Towe, Halligan, Beck, Burnett, Gage, Mesaros, Orr, Kennedy, Brandewie, Crippen, Wagner, Benedict, Wilson, Van Valkenburg, Yellowtail, Blaylock, Aklestad, Grinde, Bergsagel, Lynch, Cocchiarella, Quilici, Mercer, Wanzenried, Hibbard, J. Rice, Dowell, Swysgood, Schye, Strizich, Herron, Boharski, Nathe, Harding, Devlin, Jergeson, Swift, Hertel, Hager, Tveit (by request of the Governor), referred to Select Committee on Workers' Compensation

**SB 164**, introduced by Harp, Driscoll, Halligan, Crippen, B. Brown, Molnar, Beck, Burnett, Benedict, Mesaros, Gage, Orr, Kennedy, Van Valkenburg, Yellowtail, Lynch, Wilson, Blaylock, Aklestad, Brandewie, Bergsagel, Ellis, Grinde, Sayles, Wanzenried, Hibbard, Cocchiarella, Mercer, Schye, Strizich, Dowell, Wagner, Boharski, Swysgood, Nathe, Fisher, Swift, Hertel, Devlin, Hager, Harding, Jergeson, Tveit (by request of the Governor), referred to Select Committee on Workers' Compensation

**SB 166**, introduced by Towe, Rye, Fritz, S. Rice, referred to Committee on Human Services and Aging

**SB 169**, introduced by Beck, Smith, Menahan, Towe, referred to Committee on State Administration

**SB 171**, introduced by Halligan, referred to Committee on Natural Resources

**SB 172**, introduced by Devlin, Zook, L. Nelson, Toews, referred to Committee on Natural Resources

**SB 176**, introduced by Bianchi, Elliott, Dowell, Bardanouve, Harding, Swanson, Brandewie, Wanzenried, B. Brown, S. Rice, Doherty, referred to Committee on State Administration

**SB 178**, introduced by B. Brown, referred to Committee on Education and Cultural Resources

**SB 179**, introduced by Christiaens, Smith, referred to Committee on Judiciary

**SB 186**, introduced by McClernan, referred to Committee on State Administration

**SB 189**, introduced by Doherty, referred to Committee on Local Government

**SB 192**, introduced by Waterman, Harper, referred to Committee on State Administration

**SB 196**, introduced by Devlin, Beck, Gage, Burnett, Grinde, DeBruycker, Bruski-Maus, Kasten, Tash, Keller, Forrester, M. Hanson, L. Nelson, McCaffree, Zook, Stovall, Tunby, Knox, Nathe, Mesaros, Swysgood, Weeding, Tveit, Mason, Aklestad, Rea, Koehnke, Hertel, Toews, referred to Committee on Natural Resources



**SB 197**, introduced by Jergeson, Peck, referred to Committee on Business and Economic Development

**SB 199**, introduced by Bianchi, Endy, Menahan, Swanson, Ream, Kennedy, Molnar, D. Brown, Harper, Wanzenried, Waterman, referred to Committee on Fish and Game

**SB 200**, introduced by Bianchi, Menahan, Pavlovich, Harrington, Molnar, Halligan, D. Brown, Endy, Ryan, Larson, Tash, Kennedy, Christiaens, Driscoll, Beck, Quilici, Lynch, Daily, McCarthy, Grady, Vogel, Jacobson, Wilson, Franklin, Yellowtail, Bruski-Maus, Forrester, Stang, Koehnke, Weldon, Swanson, McClerman, Hockett, Rea, Vaughn, Weeding, referred to Committee on Fish and Game

**SB 203**, introduced by Fritz, Grady, Beck, Waterman, Galvin, J. Rice, Wanzenried, Quilici, Swanson, Harper, Menahan, Peterson, Hibbard, Cocchiarella, B. Brown, Harp, Van Valkenburg, Bartlett, referred to Committee on State Administration

**SB 213**, introduced by Pipinich, Pavlovich, Lynch, McClerman, Rye, Kennedy, Bruski-Maus, Nathe, Devlin, Beck, D. Brown, Menahan, Driscoll, Daily, Harrington, Swysgood, referred to Committee on State Administration

**SB 214**, introduced by Weldon, McClerman, Bianchi, Klampe, Pipinich, Ream, Toole, Harper, Foster, Fagg, Doherty, Wilson, Franklin, Christiaens, referred to Committee on Natural Resources

**SB 215**, introduced by Van Valkenburg, Barnhart, referred to Committee on Local Government

**SB 217**, introduced by Nathe, S. Rice, Christiaens, Waterman, Keating, Bohlinger (by request of the Department of Social and Rehabilitation Services), referred to Committee on Judiciary

**SB 218**, introduced by Kennedy, Smith, Brandewie, Lynch, Beck, D. Brown, referred to Committee on Business and Economic Development

**SB 222**, introduced by Fritz, Yellowtail, Gervais, Russell, Ream, Gage, Harper, Kadas, Toole, Raney, Wanzenried, referred to Committee on State Administration

**SB 223**, introduced by Bartlett, J. Rice, Waterman, Vaughn, Towe, Christiaens, Lynch, Simon, T. Nelson, Squires (by request of the Department of Labor and Industry), referred to Committee on Labor and Employment Relations

**SB 231**, introduced by Yellowtail (by request of the Department of Natural Resources and Conservation), referred to Committee on Natural Resources

**SB 242**, introduced by Burnett, referred to Committee on Judiciary

**SB 244**, introduced by Harding, Bartlett, Vaughn, Eck, referred to Committee on Local Government

**SB 248**, introduced by Yellowtail (by request of the Senate Judiciary Committee), referred to Committee on Natural Resources

**SB 249**, introduced by Yellowtail (by request of the Senate Judiciary Committee), referred to Committee on Business and Economic Development

**SB 250**, introduced by Yellowtail (by request of the Senate Judiciary Committee), referred to Committee on Education and Cultural Resources

**SB 252**, introduced by Hertel, referred to Committee on Judiciary

**SB 256**, introduced by Swysgood, referred to Committee on Labor and Employment Relations

**SB 258**, introduced by Harp (by request of the Senate Judiciary Committee), referred to Select Committee on Workers' Compensation

**SB 259**, introduced by Harp (by request of the Senate Judiciary Committee), referred to Committee on Agriculture, Livestock, and Irrigation



**SB 260**, introduced by Bartlett (by request of the Senate Judiciary Committee), referred to Committee on Judiciary

**SB 261**, introduced by Doherty, Fagg, Gilbert, Swanson, Brandewie, referred to Committee on Natural Resources

**SB 264**, introduced by Van Valkenburg, J. Rice, referred to Committee on Judiciary

**SB 266**, introduced by Crippen, referred to Committee on Business and Economic Development

**SB 268**, introduced by Lynch, Franklin, Clark, B. Brown, Doherty, Rye, D. Brown, Endy, Feland, Tveit, referred to Committee on State Administration

**SB 269**, introduced by Lynch, Kennedy, Jacobson, Halligan, Harrington, Pipinich, Pavlovich, Daily, Harp, J. Rice, McClernan, referred to Committee on Taxation

**SB 270**, introduced by Keating, Gilbert (by request of the Department of Labor and Industry), referred to Committee on Labor and Employment Relations

**SB 273**, introduced by Stang, Rose, referred to Committee on Local Government

**SB 275**, introduced by Weldon, Elliott, Yellowtail, Fagg, Harper, Schwinden, Van Valkenburg, Beck, Jergeson, referred to Committee on Natural Resources

**SB 276**, introduced by Van Valkenburg, Driscoll, Towe, Quilici, Pipinich, Harrington, Schye, Strizich, Toole, Yellowtail, Wilson, Bianchi, Kennedy, Christiaens, Bartlett, Weldon, Fritz, Doherty, Jacobson, Jergeson, Blaylock, Lynch, Forrester, Menahan, Weeding, Pavlovich, Squires, Tuss, Galvin, referred to Committee on State Administration

**SB 278**, introduced by Christiaens (by request of the Superintendent of Public Instruction), referred to Committee on Education and Cultural Resources

**SB 279**, introduced by Swysgood, Tash, referred to Committee on Agriculture, Livestock, and Irrigation

**SB 280**, introduced by Grosfield, Fagg, Halligan, Harper, Gilbert, Brooke, Beck, Yellowtail (by request of the Department of Natural Resources and Conservation), referred to Committee on Natural Resources

**SB 282**, introduced by Swysgood, Tash, referred to Committee on Natural Resources

**SB 285**, introduced by Franklin, B. Brown, Jacobson, Schye, Bianchi, Harper, Jergeson, Ryan, Lynch, Halligan, Van Valkenburg, Mercer, Crippen, Squires, Grinde, Cobb, Christiaens, Blaylock, L. Nelson, Eck, Strizich, Toole, Cocchiarella, McCarthy, Wilson, Waterman, Beck, Klampe, Dowell, Russell, Stanford, Tuss, Dolezal, Doherty, Pavlovich, Weeding, Bruski-Maus, Nathe, Vaughn, Hockett, Weldon, Kennedy, Bartlett, Simpkins, referred to Committee on Human Services and Aging

**SB 288**, introduced by Fritz, Squires (by request of the Secretary of State), referred to Committee on Local Government

**SB 291**, introduced by Doherty, Barnhart, referred to Committee on Human Services and Aging

**SB 292**, introduced by Fritz, Peterson, Fisher, Forrester (by request of the Joint Appropriations Subcommittee on General Government and Transportation), referred to Committee on Appropriations

**SB 294**, introduced by Keating, Crippen, Bohlinger, Kasten, R. Johnson, referred to Committee on Natural Resources

**SB 296**, introduced by Grosfield, Fagg, Weeding, Harper (by request of the Department of Natural Resources and Conservation), referred to Committee on Natural Resources

**SB 298**, introduced by Bartlett, referred to Committee on Local Government

**SB 306**, introduced by Hertel, referred to Committee on Education and Cultural Resources

**SB 307**, introduced by Waterman, referred to Committee on Education and Cultural Resources

**SB 311**, introduced by Jergeson, Bergsagel, Nathe, Bachini, Gilbert, Schye, Hockett, Gage, Schwinden, referred to Committee on Natural Resources

**SB 312**, introduced by Beck, referred to Committee on Human Services and Aging

**SB 313**, introduced by Towe, Wanzenried, Keating, Kasten (by request of the Department of Family Services), referred to Committee on Human Services and Aging

**SB 315**, introduced by Swysgood (by request of the Department of Justice), referred to Committee on Highways and Transportation

**SB 318**, introduced by Weldon (by request of the Secretary of State), referred to Committee on State Administration

**SB 319**, introduced by Hockett, Jergeson, Grosfield, DeBruycker, Nathe, Tveit, Bachini, Peck, referred to Committee on Natural Resources

**SB 320**, introduced by McClernan, Toews, McCarthy, Lynch, Tash, Guilici, Harrington, Pavlovich, Grimes, Grosfield, Grinde, Menahan, Peterson, Endy, Keller, Swysgood, referred to Committee on Business and Economic Development

**SB 321**, introduced by Christiaens, Smith, Brooke, referred to Committee on Judiciary

**SB 323**, introduced by Christiaens, Fagg, referred to Committee on Judiciary

**SB 328**, introduced by Hertel, Knox, Jergeson, Bachini, referred to Committee on Agriculture, Livestock, and Irrigation

**SB 331**, introduced by Lynch, R. Johnson, Crippen, Yellowtail, Strizich, B. Brown, Keating, Wilson, Doherty, Nathe, M. Hanson, Rye, D. Brown, Swysgood, Ellis, Gilbert, Foster, Kennedy, Wallin, Forrester, Stang, Squires, Beck, McClernan, Dowell, Klampe, Pipinich, McCulloch, Mesaros, Burnett, Toews, Bruski-Maus, Whalen, Menahan, Rea, Driscoll, Halligan, Fritz, Daily, Blaylock, Harding, Harrington, McCarthy, Bohlinger, T. Nelson, Pavlovich, Russell, referred to Committee on Business and Economic Development

**SB 332**, introduced by Weldon, referred to Committee on Local Government

**SB 334**, introduced by Beck, Grosfield, Koehnke, McClernan, Jergeson, Schwinden, Rea, Foster, Grady, Schye, Grinde, Bird, referred to Committee on Agriculture, Livestock, and Irrigation

**SB 337**, introduced by Harp (by request of the Department of Commerce), referred to Committee on Business and Economic Development

**SB 340**, introduced by Doherty, Rye, Yellowtail, Driscoll, Grady, H. S. Hanson, S. Rice, Harper (by request of the Environmental Quality Council), referred to Committee on Business and Economic Development

**SB 346**, introduced by Yellowtail, Rye, Crippen, Simon, Fagg, Swanson, Brooke, Harper, Bianchi, Doherty, referred to Committee on Natural Resources

**SB 348**, introduced by Halligan (by request of the Superintendent of Public Instruction), referred to Committee on Education and Cultural Resources

**SB 350**, introduced by Forrester, Mills, referred to Committee on Agriculture, Livestock, and Irrigation

**SB 352**, introduced by Keating, Vogel, Rye, Squires, Bohlinger, Christiaens, Simon, referred to Committee on Business and Economic Development

**SB 353**, introduced by Harding, referred to Committee on Highways and Transportation

**SB 355**, introduced by Harding (by request of the Department of Fish, Wildlife, and Parks), referred to Committee on Fish and Game

**SB 357**, introduced by Doherty, Tuss, referred to Committee on Judiciary

**SB 358**, introduced by Hager, referred to Committee on Local Government

**SB 361**, introduced by Towe, referred to Committee on Business and Economic Development

**SB 362**, introduced by Bianchi, referred to Committee on Business and Economic Development

**SB 364**, introduced by Rye, Squires, Bianchi, McCulloch, Bohlinger, referred to Committee on Local Government

**SB 368**, introduced by Doherty, Yellowtail, Toole, Harper, Lynch, Ream, Driscoll, Strizich, Galvin, Bardanouve, Raney, Halligan, D. Brown, Russell, Harrington, Brooke, Van Valkenburg, Christiaens, Peck, Ryan, Dowell, Menahan, Swanson, Wanzenried, Whalen, Kadas, McCarthy, Barnhart, Dolezal, Nathe, McCulloch, Franklin, Schwinden, L. Nelson, Stovall, Squires, Blaylock, referred to Committee on Judiciary

**SB 369**, introduced by Rea, Toews, Koehnke, Grosfield, Schye, Grady, referred to Committee on Agriculture, Livestock, and Irrigation

**SB 372**, introduced by Swysgood, referred to Committee on Business and Economic Development

**SB 375**, introduced by Bianchi, Ryan, Tunby, Raney, Wallin, Spring, Hockett, Christiaens, referred to Committee on Fish and Game

**SB 383**, introduced by Grosfield, Gilbert, Anderson, referred to Committee on Agriculture, Livestock, and Irrigation

**SB 384**, introduced by Lynch, Cobb (by request of the Legislative Council), referred to Committee on State Administration

**SB 385**, introduced by Vaughn, Burnett, Blaylock, Fritz, Squires, Menahan, Peck, Quilici, Hockett, Gage, Bardanouve, Peterson, Simpkins (by request of the Public Employees' Retirement Board), referred to Committee on State Administration

**SB 386**, introduced by Wilson, Christiaens, referred to Committee on Business and Economic Development

**SB 390**, introduced by Christiaens, Lynch, Devlin, Halligan, Driscoll, Wilson, Hockett, Doherty, Nathe, Mesaros, Ryan, referred to Committee on Business and Economic Development

**SB 395**, introduced by Harp, referred to Committee on Highways and Transportation

**SB 397**, introduced by Doherty, Yellowtail, Towe, Harp, Van Valkenburg, Crippen, Grosfield, Franklin, Halligan, Rye (by request of the Senate Judiciary Committee), referred to Committee on Judiciary

**SB 398**, introduced by Rea, Wilson, Christiaens, referred to Committee on Business and Economic Development

**SB 399**, introduced by Eck, referred to Committee on Taxation

**SB 403**, introduced by Rye, referred to Committee on Human Services and Aging

**SB 406**, introduced by Bartlett, referred to Committee on Judiciary



**SB 407**, introduced by Fritz, Forrester, Bianchi, McClernan, Ream, Nathe, Schye, Harper (by request of the Board of Regents of Higher Education and the Montana Teachers' Retirement Board), referred to Committee on State Administration

**SB 408**, introduced by Christiaens, referred to Committee on Judiciary

**SB 409**, introduced by Hockett, referred to Committee on Judiciary

**SB 411**, introduced by Bianchi, referred to Committee on Business and Economic Development

**SB 416**, introduced by Bruski-Maus, Harp (by request of the Department of Transportation), referred to Committee on Highways and Transportation

**SB 419**, introduced by Lynch, referred to Committee on Business and Economic Development

**SB 420**, introduced by Lynch, referred to Committee on Business and Economic Development

**SJR 2**, introduced by Kennedy, referred to Committee on Fish and Game

**SJR 14**, introduced by Grosfield, Blaylock, Anderson, Wanzenried, referred to Committee on Education and Cultural Resources

**SJR 15**, introduced by Christiaens J. Rice, Strizich (by request of the Commission for Human Rights), referred to Committee on Judiciary

**SJR 16**, introduced by Jacobson, Lynch (by request of the Business and Industry Committee), referred to Committee on Business and Economic Development

**SJR 17**, introduced by Weeding (by request of the Senate Committee on Highways and Transportation), referred to Committee on Highways and Transportation

**SJR 19**, introduced by Rea, Beck, Bruski-Maus, referred to Committee on State Administration

**SJR 20**, introduced by Yellowtail, Vaughn, McClernan, Beck, Peck, Bardanouve, Nathe, Halligan, Squires, Galvin, Schye, Strizich, Driscoll, Jergeson, Weeding, Wilson, Blaylock, Ryan, Stanford, Tveit, Cocchiarella, McCulloch, Harrington, Wanzenried, Schwinden, Harp, referred to Committee on Business and Economic Development

**SJR 22**, introduced by Hockett, DeBruycker, referred to Committee on State Administration

**SJR 23**, introduced by Rye, Grimes, Molnar, Crippen, Burnett, Kennedy, J. Rice, Zook, Beck, Bergman, Nathe, Harp, Keating, Whalen, Rea, Peck, Bartlett, Bruski-Maus, Koehnke, referred to Committee on Education and Cultural Resources

**SJR 24**, introduced by Bianchi, referred to Committee on Natural Resources

**SJR 25**, introduced by Bruski-Maus (by request of the Senate Highways and Transportation Committee), referred to Committee on Highways and Transportation

**SJR 27**, introduced by Christiaens, Galvin, S. Rice, Wilson, referred to Committee on State Administration

### THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 129** passed as follows:



Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 100

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 157** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Benedict, Bergman, Bergsagel, Boharski, Bohlinger, Brandewie, Clark, Cobb, Cocchiarella, DeBruycker, Driscoll, Ellis, Fagg, Fisher, Foster, H.S. Hanson, M. Hanson, Harper, Hayne, R. Johnson, Kadas, Keller, Knox, Mason, McCaffree, Mills, Molnar, T. Nelson, Orr, Peck, Peterson, Rehbein, J. Rice, S. Rice, Rose, Ryan, Sayles, Schye, Simon, Simpkins, Smith, Spring, Stanford, Stovall, Strizich, Tash, Toole, Tunby, Vogel, Wallin, Wanzenried, Wiseman, Zook, Mr. Speaker.

Total 58

Noes: Barnhart, Bird, Brooke, Brown, Daily, Davis, Dolezal, Dowell, Elliott, Endy, Ewer, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, Harrington, Herron, Hibbard, J. Johnson, Kasten, Larson, McCarthy, McCulloch, Menahan, L. Nelson, Pavlovich, Quilici, Raney, Ream, Russell, Schwinden, Squires, Swanson, Tuss, Wagner, Whalen, Winslow, Wyatt.

Total 41

Excused: None.

Total 0

Absent or not voting: Feland.

Total 1

**HB 202** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark,

Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, Harper, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 96

Noes: Bergsagel, DeBruycker, M. Hanson.  
Total 3

Excused: None.  
Total 0

Absent or not voting: Harrington.  
Total 1

**HB 273** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 100

Noes: None.  
Total 0

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 309** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais,

Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 98

Noes: McCaffree.  
Total 1

Excused: None.  
Total 0

Absent or not voting: Driscoll.  
Total 1

**HB 335** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Harper, Harrington, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 94

Noes: DeBruycker, Gilbert, Hayne, Mills, Whalen.  
Total 5

Excused: None.  
Total 0

Absent or not voting: Hansen.  
Total 1

**HB 355** passed as follows:

Ayes: Bachini, Bardanouve, Barnhart, Benedict, Bird, Boharski, Brandewie, Brooke, Brown, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Hansen, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, S. Rice,

Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 83

Noes: Anderson, Barnett, Bergman, Bergsagel, Grimes, H.S. Hanson, T. Nelson, Peterson, J. Rice, Rose, Smith, Spring, Wallin.  
Total 13

Excused: None.  
Total 0

Absent or not voting: Bohlinger, Clark, Grinde, Kasten.  
Total 4

**HB 397** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnhart, Bergman, Bird, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Gilbert, Grimes, Hansen, Harper, Harrington, Herron, Hibbard, J. Johnson, Kadas, Keller, Larson, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Squires, Stanford, Stovall, Strizich, Swanson, Toole, Tunby, Tuss, Vogel, Wallin, Wanzenried, Winslow, Wiseman, Wyatt, Mr. Speaker.  
Total 74

Noes: Barnett, Benedict, Bergsagel, Boharski, DeBruycker, Driscoll, Elliott, Feland, Grady, Grinde, H.S. Hanson, M. Hanson, Hayne, R. Johnson, Kasten, Knox, Mason, Orr, Rehbein, Simpkins, Smith, Spring, Tash, Wagner, Whalen, Zook.  
Total 26

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 416** passed as follows:

Ayes: Barnhart, Bergsagel, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Foster, Galvin, Gervais, Grady, Hansen, H.S. Hanson, Harper, Harrington, Hibbard, J. Johnson, R. Johnson, Kadas, Larson, McCaffree, McCarthy, McCulloch, Menahan, Mills, L. Nelson, T. Nelson, Pavlovich, Quilici, Raney, Ream, S. Rice, Russell, Ryan, Schwinden, Schye, Simon, Simpkins, Squires, Stanford, Stovall, Strizich, Swanson, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Winslow, Wyatt, Zook, Mr. Speaker.  
Total 67



Noes: Anderson, Bachini, Bardanouve, Barnett, Benedict, Bergman, Bird, DeBruycker, Feland, Fisher, Gilbert, Grimes, Grinde, M. Hanson, Hayne, Herron, Kasten, Keller, Knox, Mason, Molnar, Orr, Peck, Peterson, Rehbein, J. Rice, Sayles, Smith, Spring, Tash, Whalen, Wiseman.

Total 32

Excused: None.

Total 0

Absent or not voting: Rose.

Total 1

**HB 419** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 97

Noes: Bergsagel, Cobb.

Total 2

Excused: None.

Total 0

Absent or not voting: McCulloch.

Total 1

**HB 422** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grimes, Grinde, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 91

Noes: Bergsagel, Boharski, DeBruycker, Grady, Hansen, H.S. Hanson, Peterson, Rose, Spring.  
Total 9

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 432** passed as follows:

Ayes: Anderson, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Davis, DeBruycker, Dolezal, Dowell, Elliott, Ellis, Endy, Ewer, Fagg, Foster, Galvin, Gervais, Grady, Grimes, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, L. Nelson, T. Nelson, Orr, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 89

Noes: Bachini, Daily, Driscoll, Feland, Fisher, Gilbert, Grinde, Molnar, Pavlovich, Peck.  
Total 10

Excused: None.  
Total 0

Absent or not voting: Rose.  
Total 1

**HB 433** passed as follows:

Ayes: Bachini, Bardanouve, Bergsagel, Bird, Brown, Clark, Cobb, Daily, Davis, DeBruycker, Dolezal, Ellis, Endy, Feland, Galvin, Gervais, Grady, Grinde, Hansen, H.S. Hanson, M. Hanson, Harrington, Hayne, Hibbard, J. Johnson, Keller, Knox, Larson, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, Orr, Pavlovich, Peterson, Raney, Ream, Rehbein, J. Rice, Rose, Ryan, Simon, Simpkins, Smith, Spring, Squires, Stovall, Strizich, Tash, Toole, Wallin, Whalen, Winslow, Wiseman, Zook.  
Total 57

Noes: Anderson, Barnett, Barnhart, Benedict, Bergman, Boharski, Bohlinger, Brandewie, Brooke, Cocchiarella, Dowell, Driscoll, Elliott, Ewer, Fagg, Fisher, Foster, Gilbert, Grimes, Harper, Herron, R. Johnson, Kadas, Kasten, Mason, McCaffree, T. Nelson, Peck, Quilici, S. Rice, Russell, Sayles, Schwinden, Schye, Stanford, Swanson, Tunby, Tuss, Vogel, Wagner, Wanzenried, Wyatt, Mr. Speaker.  
Total 43

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 448** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 100

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 465** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 100

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 470** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 96

Noes: Fisher, Kadas, Spring.

Total 3

Excused: None.

Total 0

Absent or not voting: Barnett.

Total 1

**HB 503** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 97

Noes: DeBruycker, McCulloch.

Total 2

Excused: None.

Total 0

Absent or not voting: Bird.



Total 1

**HB 512** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wyatt, Zook, Mr. Speaker.

Total 99

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: Wiseman.

Total 1

**HB 518** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Squires, Stanford, Stovall, Swanson, Tash, Toole, Tunby, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Zook, Mr. Speaker.

Total 93

Noes: Brooke, M. Hanson, Ryan, Spring, Strizich, Tuss, Wyatt.

Total 7

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 530** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, T. Nelson, Orr, Pavlovich, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 93

Noes: Brandewie, Davis, Gervais, L. Nelson, Peck, Schye, Tuss.  
Total 7

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 532** passed as follows:

Ayes: Anderson, Bardanouve, Barnett, Benedict, Bergman, Bergsagel, Boharski, Brandewie, Brown, Clark, Cobb, Daily, Davis, DeBruycker, Dowell, Ellis, Endy, Fagg, Feland, Fisher, Foster, Gilbert, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Mason, McCarthy, Menahan, Mills, L. Nelson, T. Nelson, Orr, Pavlovich, Peterson, Quilici, Ream, Rehbein, J. Rice, Rose, Sayles, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Swanson, Tash, Toole, Tunby, Wagner, Wallin, Winslow, Wiseman, Zook, Mr. Speaker.  
Total 69

Noes: Bachini, Barnhart, Bohlinger, Brooke, Cocchiarella, Dolezal, Driscoll, Elliott, Ewer, Galvin, Gervais, Hansen, Harper, Larson, McCaffree, McCulloch, Molnar, Peck, Raney, S. Rice, Russell, Ryan, Schwinden, Schye, Strizich, Tuss, Wanzenried, Whalen, Wyatt.  
Total 29

Excused: None.  
Total 0

Absent or not voting: Bird, Vogel.  
Total 2

**HB 534** passed as follows:

Ayes: Anderson, Bachini, Bardanoue, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Grady, Grimes, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 95

Noes: Bergsagel, Gilbert, Grinde, T. Nelson, Peterson.

Total 5

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 562** passed as follows:

Ayes: Anderson, Bachini, Bardanoue, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 99

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: Hansen.

Total 1

**HB 567** passed as follows:

Ayes: Anderson, Bachini, Bardanoue, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown,

Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, J. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 94

Noes: DeBruycker, Elliott, Galvin, Orr, Peterson.  
Total 5

Excused: None.  
Total 0

Absent or not voting: S. Rice.  
Total 1

**HB 571** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peterson, Quilici, Raney, Ream, Rehbein, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Zook, Mr. Speaker.  
Total 95

Noes: McCaffree, Peck, J. Rice, Wyatt.  
Total 4

Excused: None.  
Total 0

Absent or not voting: Hansen.  
Total 1

**HB 572** passed as follows:

Ayes: Anderson, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Hansen, H.S. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R.



Johnson, Kadas, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wallin, Wanzenried, Whalen, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 90

Noes: Bachini, Bergsagel, Boharski, Feland, Grinde, M. Hanson, Kasten, Rehbein, Wagner, Winslow.

Total 10

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 581** passed as follows:

Ayes: Bardanouve, Barnhart, Benedict, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Galvin, Gervais, Gilbert, Grady, Hansen, Harper, Harrington, Hibbard, J. Johnson, Kadas, Keller, Larson, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Pavlovich, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Squires, Stanford, Stovall, Strizich, Swanson, Toole, Tunby, Tuss, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Mr. Speaker.

Total 70

Noes: Anderson, Bachini, Barnett, Bergman, Bergsagel, Clark, DeBruycker, Feland, Foster, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Herron, R. Johnson, Kasten, Knox, Mason, McCaffree, Orr, Peck, Peterson, Rehbein, Simpkins, Smith, Spring, Tash, Vogel, Zook.

Total 30

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 595** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney,

Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 96

Noes: Bergman.

Total 1

Excused: None.

Total 0

Absent or not voting: Fisher, Harper, Vogel.

Total 3

**HB 599** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brown, Clark, Cobb, Cocchiarella, Daily, Elliott, Ellis, Endy, Fagg, Feland, Fisher, Foster, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harrington, Hayne, Hibbard, J. Johnson, R. Johnson, Kasten, Keller, Knox, Larson, Mason, McCarthy, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peterson, Quilici, Rehbein, J. Rice, Rose, Ryan, Sayles, Simon, Simpkins, Smith, Spring, Stovall, Tash, Toole, Tunby, Vogel, Wagner, Wallin, Wanzenried, Winslow, Wiseman, Zook, Mr. Speaker.

Total 72

Noes: Barnhart, Brooke, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Ewer, Galvin, Harper, Herron, Kadas, McCaffree, McCulloch, Peck, Raney, Ream, S. Rice, Russell, Schwinden, Schye, Squires, Stanford, Strizich, Swanson, Tuss, Whalen, Wyatt.

Total 28

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 606** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Quilici, Raney, Ream, Rehbein, J. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby,

Tuss, Vogel, Wagner, Wallin, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 92

Noes: Bergsagel, Dowell, Gilbert, Harper, Peck, Peterson, Wanzenried.

Total 7

Excused: None.

Total 0

Absent or not voting: S. Rice.

Total 1

**HB 607** passed as follows:

Ayes: Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, J. Johnson, R. Johnson, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Ryan, Schwinden, Schye, Simon, Simpkins, Smith, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Tunby, Tuss, Vogel, Wagner, Wallin, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 88

Noes: Anderson, Bachini, DeBruycker, Herron, Kadas, Rehbein, Rose, Russell, Sayles, Spring, Wanzenried.

Total 11

Excused: None.

Total 0

Absent or not voting: Toole.

Total 1

**HB 613** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 97

Noes: Boharski, DeBruycker, Mason.  
Total 3

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 633** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 97

Noes: Bergsagel, Feland, Spring.  
Total 3

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 634** passed as follows:

Ayes: Anderson, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 96

Noes: Bachini, Bergsagel, McCaffree.  
Total 3



Excused: None.

Total 0

Absent or not voting: Rose.

Total 1

**HB 637** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 99

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: DeBruycker.

Total 1

**HJR 15** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 98

Noes: Barnhart, Strizich.

Total 2

Excused: None.

Total 0

Absent or not voting: None.  
Total 0

**HJR 21** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Endy, Ewer, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, M. Hanson, Harper, Harrington, Herron, J. Johnson, R. Johnson, Kadas, Keller, Knox, Mason, McCaffree, McCarthy, Menahan, Mills, L. Nelson, Orr, Pavlovich, Peck, Quilici, Raney, S. Rice, Russell, Ryan, Schwinden, Simon, Simpkins, Smith, Squires, Stanford, Stovall, Tash, Toole, Tunby, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Zook, Mr. Speaker.  
Total 76

Noes: Brooke, Brown, Ellis, Fagg, H.S. Hanson, Hayne, Hibbard, Kasten, Larson, McCulloch, Molnar, Peterson, Ream, Rehbein, J. Rice, Rose, Sayles, Schye, Spring, Strizich, Swanson, Tuss, Wyatt.  
Total 23

Excused: None.  
Total 0

Absent or not voting: T. Nelson.  
Total 1

### **MOTIONS**

Representative Gilbert moved SB 228 be taken from the Committee on Natural Resources and rereferred to the Committee on Taxation. Motion carried.

Representative Harper moved that HB 480 be reconsidered on second reading. Motion failed. (45-54)

### **COMMUNICATIONS AND PETITIONS**

The Honorable John Mercer  
Speaker of the House  
State Capitol  
Helena, Montana 59620

February 22, 1993

Dear Representative Mercer:

For your information, I have signed the enclosed proclamation in recognition of the death of Senator Dennis Nathe.

Sincerely,

MARC RACICOT  
Governor

## STATE OF MONTANA PROCLAMATION

Today, we mark the passing of one of Montana's finest public servants, Senator Dennis Nathe of Redstone.

In his time on this earth Senator Nathe, born December 12, 1938 in Scobey, Montana, attended college in Kansas and Nebraska, was a farmer and rancher, and Sheridan County Conservation District Supervisor for nine years. He was also Vice-Chairman for the Montana Rangeland Improvement Committee, State Chairman for the Society for Range Management, member of the OWRC Rangeland Improvement Committee, WICHE Commissioner, and Conservation Farmer of the Year in 1981. Dennis Nathe served in the U.S. Army, the Montana House of Representatives from 1977 through 1979, and again from 1985 through 1987. Senator Nathe has served in the State Senate since 1989. During that time he also served as Chairman and Vice-Chairman of the Environmental Quality Council. Senator Dennis Nathe - a good and decent man, a beloved husband and father, a statesman, and a friend.

Today I order the flags of Montana and the United States of America to be flown at half-mast, in honor of Senator Dennis Nathe, until sundown on February 24, 1993.

MARC RACICOT  
Governor

**SPECIAL ORDERS OF THE DAY**

The following sponsor was removed from SB 347: Driscoll.

**ANNOUNCEMENTS**

Committee meetings were announced by committee chairmen.

Representative Grinde moved the House adjourn until 8:00 a.m., Tuesday, February 24, 1993. Motion carried.

House adjourned at 2:14 p.m.

John Mercer, Speaker

Marilyn Miller, Chief Clerk

## FORTY-FIFTH LEGISLATIVE DAY

Helena, Montana  
February 24, 1993

House Chambers  
State Capitol

House convened at 8:00 a.m. Mr. Speaker in the Chair. Invocation by Representative Fagg. Pledge of Allegiance to the Flag.

Roll call. All members present except Cobb, Fisher, Larson, excused. Quorum present.

### REPORTS OF STANDING COMMITTEES

BILLS (Hayne, Chairman): 2/24/93  
Correctly engrossed for third reading: HB 196, HB 227, HB 431, HB 535, HB 541, HB 570, HB 582, HB 610, HB 619, HB 638, HB 644, HJR 19.

APPROPRIATIONS (Zook, Chairman): 2/23/93  
**HB 427**, introduced bill, be amended as follows:

1. Title, line 4.  
Strike: "ELIMINATING"  
Insert: "GENERALLY REVISING THE LAWS RELATING TO PUBLIC ASSISTANCE; REVISING THE"
2. Title, line 6.  
Following: " ;"  
Insert: "REVISING GENERAL RELIEF ;"  
Following: "SECTIONS"  
Insert: "7-6-2512, 7-6-2523, 15-10-412, 15-16-117, 39-71-118, 41-3-1122, 52-1-110, 53-2-207,"
3. Title, line 7.  
Following: "53-2-304,"  
Insert: "53-2-306,"  
Following: "53-2-322,"  
Insert: "53-2-801, 53-2-802, 53-2-803, 53-2-811, 53-2-812, 53-2-813, 53-2-1101, 53-2-1109,"  
Strike: "53-3-110,"  
Strike: "53-3-113,"
4. Title, lines 8 and 9.  
Strike: "53-3-209, 53-3-304, 53-3-308," on line 8  
Insert: "53-3-207, 53-3-303,"  
Following: "53-3-310," on line 8  
Strike: remainder of line 8 through "53-3-323," on line 9
5. Title, lines 10 and 11.  
Following: "SECTIONS" on line 10  
Insert: "53-2-321,"  
Following: "53-2-323," on line 10  
Strike: remainder of line 10 through "53-2-813," on line 11  
Following: "53-2-822,"  
Insert: "53-3-109, 53-3-110, 53-3-113,"
6. Title, line 12.



Following: line 11

Insert: "53-3-121, 53-3-122, 53-3-201, 53-3-205, 53-3-208, 53-3-209, 53-3-210, 53-3-211, 53-3-212, 53-3-215, 53-3-304, 53-3-305, 53-3-307, 53-3-308, 53-3-310, 53-3-311, 53-3-314, 53-3-318, 53-3-321, 53-3-322, 53-3-323,"

Following: "53-3-324,"

Insert: "53-3-325, 53-3-326,"

Strike: "AN"

7. Title, line 13.

Strike: "DATE"

Insert: "DATES"

8. Page 1, line 16 through page 23, line 21.

Strike: everything after the enacting clause

Insert: "NEW SECTION. Section 1. Legislative findings. (1) The legislature finds that in order to use the limited resources of the state for the purposes of providing public assistance to persons whom it has determined are in need, certain programs must be eliminated and the provision of public assistance programs must be reorganized for more efficient delivery of services.

(2) The legislature finds that county governments are in the best position to efficiently and effectively deliver the general relief program provided for in Title 53, chapter 3.

(3)(a) The legislature finds that the needs of persons who are aged, infirm, or misfortunate are adequately and appropriately provided for through the following programs:

- (i) medicaid;
- (ii) aid for dependent children;
- (iii) food stamps;
- (iv) commodities; and
- (v) low-income energy assistance.

(b) The legislature further finds that the counties may in their discretion provide other programs of public assistance that they determine are appropriate and that may be funded with money derived from the county poor fund mill levy.

Section 2. Section 7-6-2512, MCA, is amended to read:

"7-6-2512. County tax levy for nursing homes and hospital facilities. The board of county commissioners may, annually at the time of levying county taxes, fix and levy a tax, not to exceed 10 mills on each dollar of taxable valuation of property, upon all property within the county for the erection, maintenance, and operation of county-owned or county-operated hospitals and nursing homes or other hospital facilities created under 7-8-2102, 7-34-2201, 7-34-2301, and 7-34-2502. "Hospital facilities" as used in this section means a hospital or hospital-related facility, including outpatient facilities, public health centers, rehabilitation facilities, long-term care facilities, and infirmaries. The combined total number of mills levied under this section and for the county poor fund under ~~53-2-321~~ 53-2-322 may not exceed 18 mills. A higher levy may be made upon compliance with 7-6-2531 through 7-6-2537. If a hospital district is created under Title 7, chapter 34,

part 21, the mill levy authorized by this section may not be imposed on property within that hospital district."

Section 3. Section 7-6-2523, MCA, is amended to read:

"7-6-2523. Special service levies replaced by all-purpose levy. A county using the all-purpose levy may not impose any of the following levies:

- (1) general fund levy, as provided in 7-6-2501;
- (2) bridge levy, as provided in 7-14-2502;
- (3) recreation levy, as provided in 7-16-101;
- (4) county fair levy, as provided in 7-21-3410;
- (5) weed levy, as provided in 7-22-2142;
- (6) insect pest levy, as provided in 7-22-2306;
- (7) poor fund levy, as provided in ~~53-2-321~~ 53-2-322; or
- (8) developmental disabilities facility levy, as provided in 53-20-208."

Section 4. Section 15-10-412, MCA, is amended to read:

"15-10-412. Property tax limited to 1986 levels -- clarification -- extension to all property classes. Section 15-10-402 is interpreted and clarified as follows:

(1) The limitation to 1986 levels is extended to apply to all classes of property described in Title 15, chapter 6, part 1.

(2) The limitation on the amount of taxes levied is interpreted to mean that, except as otherwise provided in this section, the actual tax liability for an individual property is capped at the dollar amount due in each taxing unit for the 1986 tax year. In tax years thereafter, the property must be taxed in each taxing unit at the 1986 cap or the product of the taxable value and mills levied, whichever is less for each taxing unit, except in a taxing unit that levied a tax in tax years 1983 through 1985 but did not levy a tax in 1986, in which case the actual tax liability for an individual property is capped at the dollar amount due in that taxing unit for the 1985 tax year.

(3) The limitation on the amount of taxes levied does not mean that no further increase may be made in the total taxable valuation of a taxing unit as a result of:

(a) annexation of real property and improvements into a taxing unit;

(b) construction, expansion, or remodeling of improvements;

(c) transfer of property into a taxing unit;

(d) subdivision of real property;

(e) reclassification of property;

(f) increases in the amount of production or the value of production for property described in 15-6-131 or 15-6-132;

(g) transfer of property from tax-exempt to taxable status;  
or

(h) revaluations caused by:

(i) cyclical reappraisal; or

(ii) expansion, addition, replacement, or remodeling of improvements.

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(4) The limitation on the amount of taxes levied does not mean that no further increase may be made in the taxable valuation or in the actual tax liability on individual property in each class as a result of:

- (a) a revaluation caused by:
  - (i) construction, expansion, replacement, or remodeling of improvements that adds value to the property; or
  - (ii) cyclical reappraisal;
- (b) transfer of property into a taxing unit;
- (c) reclassification of property;
- (d) increases in the amount of production or the value of production for property described in 15-6-131 or 15-6-132;
- (e) annexation of the individual property into a new taxing unit; or
- (f) conversion of the individual property from tax-exempt to taxable status.

(5) Property in classes four and eleven is valued according to the procedures used in 1986, including the designation of 1982 as the base year, until the reappraisal cycle beginning January 1, 1986, is completed and new valuations are placed on the tax rolls and a new base year designated, if the property is:

- (a) new construction;
  - (b) expanded, deleted, replaced, or remodeled improvements;
  - (c) annexed property; or
  - (d) property converted from tax-exempt to taxable status.
- (6) Property described in subsections (5)(a) through (5)(d) that is not class four or class eleven property is valued according to the procedures used in 1986 but is also subject to the dollar cap in each taxing unit based on 1986 mills levied.

(7) The limitation on the amount of taxes, as clarified in this section, is intended to leave the property appraisal and valuation methodology of the department of revenue intact. Determinations of county classifications, salaries of local government officers, and all other matters in which total taxable valuation is an integral component are not affected by 15-10-401 and 15-10-402 except for the use of taxable valuation in fixing tax levies. In fixing tax levies, the taxing units of local government may anticipate the deficiency in revenues resulting from the tax limitations in 15-10-401 and 15-10-402, while understanding that regardless of the amount of mills levied, a taxpayer's liability may not exceed the dollar amount due in each taxing unit for the 1986 tax year unless:

(a) the taxing unit's taxable valuation decreases by 5% or more from the 1986 tax year. If a taxing unit's taxable valuation decreases by 5% or more from the 1986 tax year, it may levy additional mills to compensate for the decreased taxable valuation, but in no case may the mills levied exceed a number calculated to equal the revenue from property taxes for the 1986 tax year in that taxing unit.

(b) a levy authorized under Title 20 raised less revenue in 1986 than was raised in either 1984 or 1985, in which case the taxing unit may, after approval by the voters in the taxing unit,

raise each year ~~thereafter~~ an additional number of mills but may not levy more revenue than the 3-year average of revenue raised for that purpose during 1984, 1985, and 1986;

(c) a levy authorized in 50-2-111 that was made in 1986 was for less than the number of mills levied in either 1984 or 1985, in which case the taxing unit may, after approval by the voters in the taxing unit, levy each year ~~thereafter~~ an additional number of mills but may not levy more than the 3-year average number of mills levied for that purpose during 1984, 1985, and 1986.

(8) The limitation on the amount of taxes levied does not apply to the following levy or special assessment categories, whether or not they are based on commitments made before or after approval of 15-10-401 and 15-10-402:

- (a) rural improvement districts;
- (b) special improvement districts;
- (c) levies pledged for the repayment of bonded indebtedness, including tax increment bonds;
- (d) city street maintenance districts;
- (e) tax increment financing districts;
- (f) satisfaction of judgments against a taxing unit;
- (g) street lighting assessments;
- (h) revolving funds to support any categories specified in this subsection (8);
- (i) levies for economic development authorized pursuant to 90-5-112(4);
- (j) levies authorized under 7-6-502 for juvenile detention programs; ~~and~~
- (k) elementary and high school districts; ~~and~~
- (l) poor fund levies authorized under 53-2-322.

(9) The limitation on the amount of taxes levied does not apply in a taxing unit if the voters in the taxing unit approve an increase in tax liability following a resolution of the governing body of the taxing unit containing:

- (a) a finding that there are insufficient funds to adequately operate the taxing unit as a result of 15-10-401 and 15-10-402;
- (b) an explanation of the nature of the financial emergency;
- (c) an estimate of the amount of funding shortfall expected by the taxing unit;
- (d) a statement that applicable fund balances are or by the end of the fiscal year will be depleted;
- (e) a finding that there are no alternative sources of revenue;
- (f) a summary of the alternatives that the governing body of the taxing unit has considered; and
- (g) a statement of the need for the increased revenue and how it will be used.

(10) (a) The limitation on the amount of taxes levied does not apply to levies required to address the funding of relief of suffering of inhabitants caused by famine, conflagration, or other public calamity.

(b) The limitation set forth in this chapter on the amount of taxes levied does not apply to levies to support:



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(i) a city-county board of health as provided in Title 50, chapter 2, if the governing bodies of the taxing units served by the board of health determine, after a public hearing, that public health programs require funds to ensure the public health. A levy for the support of a local board of health may not exceed the 5-mill limit established in 50-2-111.

(ii) county, city, or town ambulance services authorized by a vote of the electorate under 7-34-102(2).

(11) The limitation on the amount of taxes levied by a taxing jurisdiction subject to a statutory maximum mill levy does not prevent a taxing jurisdiction from increasing its number of mills beyond the statutory maximum mill levy to produce revenue equal to its 1986 revenue.

(12) The limitation on the amount of taxes levied does not apply to a levy increase to repay taxes paid under protest in accordance with 15-1-402."

Section 5. Section 15-16-117, MCA, is amended to read:

"15-16-117. Personal property -- treasurer's duty to collect certain taxes. (1) The county treasurer shall demand payment of poor fund taxes, authorized by ~~53-2-321~~ 53-2-322, and road taxes, authorized by 7-14-2206 or 7-14-2501 through 7-14-2504, of every person liable ~~therefor~~ for the taxes whose name does not appear on the assessment lists. On the neglect or refusal of ~~any such a~~ any such a person to pay the ~~same~~ taxes, the treasurer shall collect the taxes by seizure and sale of any property owned by the person.

(2) These taxes must be added upon the assessment lists to other property taxes of persons paying taxes upon real and personal property and paid to the county treasurer at the time of payment of other taxes.

(3) The procedure for the sale of ~~such~~ the property by the county treasurer for ~~such~~ the taxes must be regulated by 15-16-113 and 15-17-911.

(4) The provisions of this section do not apply to property for which delinquent property taxes have been suspended or canceled under the provisions of Title 15, chapter 24, part 17."

Section 6. Section 39-71-118, MCA, is amended to read:

"39-71-118. Employee, worker, ~~workman~~, and volunteer firefighter defined. (1) The terms "employee", ~~"workman"~~, or "worker" mean:

(a) each person in this state, including a contractor other than an independent contractor, who is in the service of an employer, as defined by 39-71-117, under any appointment or contract of hire, expressed or implied, oral or written. The terms include aliens and minors, whether lawfully or unlawfully employed, and all of the elected and appointed paid public officers and officers and members of boards of directors of quasi-public or private corporations while rendering actual service for ~~such the~~ the corporations for pay. Casual employees as defined by 39-71-116 are included as employees if they are not otherwise covered by workers' compensation and if an employer has elected to be bound by the provisions of the compensation law for these casual

employments, as provided in 39-71-401(2). Household or domestic service is excluded.

(b) a recipient of general relief who is performing work for a county of this state under the provisions of 53-3-303 ~~through 53-3-305~~ and any juvenile performing work under authorization of a district court judge in a delinquency prevention or rehabilitation program;

(c) a person receiving on-the-job vocational rehabilitation training or other on-the-job training under a state or federal vocational training program, whether or not under an appointment or contract of hire with an employer as defined in this chapter and whether or not receiving payment from a third party. However, this subsection does not apply to students enrolled in vocational training programs as outlined above while they are on the premises of a public school or community college.

(d) students enrolled and in attendance in programs of vocational-technical education at designated vocational-technical centers;

(e) an airman or other person employed as a volunteer under 67-2-105; or

(f) a person, other than a juvenile as defined in subsection (1)(b), performing community service for a nonprofit organization or association or for a federal, state, or local government entity under a court order, or an order from a hearings officer as a result of a probation or parole violation, whether or not under appointment or contract of hire with an employer as defined in this chapter and whether or not receiving payment from a third party. For a person covered by the definition in this subsection (f):

(i) compensation benefits must be limited to medical expenses pursuant to 39-71-704 and an impairment award pursuant to 39-71-703 that is based upon the minimum wage established under Title 39, chapter 3, part 4, for a full-time employee at the time of the injury; and

(ii) premiums must be paid by the employer, as defined in 39-71-117(3), and must be based upon the minimum wage established under Title 39, chapter 3, part 4, for the number of hours of community service required under the order from the court or hearings officer.

(2) The term "volunteer firefighter" means a firefighter who is an enrolled and active member of a fire company organized and funded by a county, a rural fire district, or a fire service area.

(3) (a) If the employer is a partnership or sole proprietorship, ~~such~~ the employer may elect to include as an employee within the provisions of this chapter any member of ~~such~~ the partnership or the owner of the sole proprietorship devoting full time to the partnership or proprietorship business.

(b) In the event of ~~such~~ an election, the employer must serve upon the employer's insurer written notice naming the partners or sole proprietor to be covered and stating the level of compensation coverage desired by electing the amount of wages to be reported, subject to the limitations in subsection (3)(d). A partner or sole proprietor is not considered an employee within this chapter until ~~such~~ notice has been given.

(c) A change in elected wages must be in writing and is effective at the start of the next quarter following notification.

(d) All weekly compensation benefits must be based on the amount of elected wages, subject to the minimum and maximum limitations of this subsection. For premium ratemaking and for the determination of weekly wage for weekly compensation benefits, the electing employer may elect not less than \$900 a month and not more than 1½ times the average weekly wage as defined in this chapter.

(4) The trustees of a rural fire district, a county governing body providing rural fire protection, or the county commissioners or trustees for a fire service area may elect to include as an employee within the provisions of this chapter any volunteer firefighter. A volunteer firefighter who receives workers' compensation coverage under this section may not receive disability benefits under Title 19, chapter 12.

(5) An employee, ~~workman~~, or worker in this state whose services are furnished by a person, association, contractor, firm, or corporation, other than a temporary service contractor, to an employer as defined in 39-71-117 is presumed to be under the control and employment of the employer. This presumption may be rebutted as provided in 39-71-117(3).

(6) For purposes of this section, an "employee, ~~workman~~, or worker in this state" means:

(a) a resident of Montana who is employed by an employer and whose employment duties are primarily carried out or controlled within this state; or

(b) a nonresident of Montana whose principal employment duties are conducted within this state on a regular basis for an employer."

Section 7. Section 41-3-1122, MCA, is amended to read:

"41-3-1122. Payment for support of youth in need of care, youth in need of supervision, or delinquent youth -- reimbursement by county. (1) Whenever a youth who is a youth in need of care, a youth in need of supervision, or a delinquent youth is placed by the department of family services in a youth care facility, the department shall pay, within the limits of the appropriation for that purpose, a foster care payment to the youth care facility at a rate established by the department for board, clothing, personal needs, treatment, and room of the youth.

(2) On or before the 20th of each month the department shall present a claim to the county of residence of the youth for no more than one-half of the nonfederal share of the payments so made during the month. The county must make reimbursement to the department within 20 days after the claim is presented.

(3) Except as provided in subsection (4), when a county's level of expenditure for any year reaches the level of reimbursement for foster care in fiscal year 1987, the county has no further obligation for foster care expenditures.

(4) If a county's level of expenditure for foster care in fiscal year 1987 is \$10,000 or less, the county's level of expenditure for purposes of determining the county's reimbursement specified in



subsection (3) is the level of expenditures for fiscal year 1987 or the average of expenditures for fiscal years 1984 through 1987, whichever is less.

(5) A county that was state-assumed prior to 1987 is responsible for reimbursement of foster care expenditures up to the county's calculated level of expenditures for fiscal year 1987 as if the county had not been state-assumed.

~~(6)~~(6) The department shall conduct or arrange for the review required under 41-3-1115 of a youth placed in a youth care facility if the youth is placed by the department."

Section 8. Section 52-1-110, MCA, is amended to read:

"52-1-110. County contribution for salaries and travel of protective services employees. (1) Upon transfer of certain functions of the county welfare department to the department of family services as provided in section 12, Chapter 609, Laws of 1987, the salaries and travel expenses, as provided in 2-18-501 through 2-18-503, of protective services employees must be paid by the department of family services. The board of county commissioners shall reimburse the department of family services from county poor funds in an amount equal to that county's expenditures for salaries, travel expenses, and indirect costs of protective services employees in fiscal year 1987, adjusted for annual inflation.

(2) A county that was state-assumed prior to 1987 is responsible for reimbursement of salaries, travel expenses, and indirect costs up to the county's calculated level of expenditures for fiscal year 1987 as if the county had not been state-assumed.

~~(2)~~(3) On or before the 20th day of the month following the month for which payments were made for protective services employees' salaries, travel, and indirect costs, the department of family services shall present to the board of county commissioners a claim for the required reimbursement. The board of county commissioners shall make ~~such~~ the reimbursement within 20 days after the presentation of the claim."

Section 9. Section 53-2-207, MCA, is amended to read:

"53-2-207. Power of department in administering state ~~grants-in-aid and federal funds~~. In administering or supervising any state or federal funds appropriated or made available to the department for public assistance purposes, the department ~~shall have~~ has the authority to:

~~(1) require as a condition for receiving grants-in-aid that the county shall to bear the proportion of the total of local public assistance as is fixed by law relating to such the assistance;~~

~~(2) make use of all legal processes to enforce the minimum standards prescribed for public assistance purposes by the department under laws providing for grants-in-aid, provided that such standards shall not exceed in cost the amount derived from levies established by state law; and~~

~~(3) require that each part of the public assistance laws shall be in effect in all counties of the state."~~



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Section 10. Section 53-2-301, MCA, is amended to read:

"53-2-301. County departments to be established. There ~~shall must~~ be established in each county of the state, ~~except in a county that has transferred its public assistance and protective services responsibilities to the state under the provisions of part 8 of this chapter,~~ a county department of public welfare, which shall consist of a county board of public welfare and ~~such~~ staff personnel as may be necessary for the efficient performance of the public assistance activities of the county. If conditions warrant and if two or more county boards enter into an agreement, two or more counties may combine into one administrative unit and use the same staff personnel throughout the administrative unit."

Section 11. Section 53-2-302, MCA, is amended to read:

"53-2-302. County commissioners ex officio county welfare board. ~~Except in a county that has transferred its public assistance and protective services responsibilities to the state under part 8 of this chapter, the~~ The board of county commissioners shall be is the ex officio county welfare board and ~~is hereby authorized to devote such additional time for public assistance matters as may be found necessary.~~ The members of the county welfare board shall receive the same compensation for their services and the same mileage when acting as the county board of public welfare as they receive when acting as the board of county commissioners, ~~and shall be~~ The board is limited as to meetings as ~~now~~ provided by law, and the compensation and mileage of the members of the board ~~shall must~~ be paid from county funds. They may transact business as a board of county commissioners and as a county welfare board on the same day, and in such cases they ~~shall must~~ be paid as a board of county commissioners but may not receive compensation for more than 1 day's work for all services performed on the same calendar day."

Section 12. Section 53-2-304, MCA, is amended to read:

"53-2-304. Staff personnel of county department. (1) Each county board shall select and appoint from a list of qualified persons furnished by the department of ~~social and rehabilitation services~~ such staff personnel as ~~are~~ the board determines necessary. The staff personnel in each county shall consist of at least one qualified staff worker (or investigator) and ~~such~~ clerks and stenographers as ~~may be decided~~ the board determines necessary. If conditions warrant, the county board, with the approval of the department of ~~social and rehabilitation services~~, may appoint ~~some~~ a fully qualified person listed by the department as supervisor of its staff personnel. The staff personnel of each county department are directly responsible to the county board, but the department of ~~social and rehabilitation services~~ may supervise ~~such~~ the county employees in respect to the efficient and proper performance of their duties. The county board of public welfare may not dismiss any member of the staff personnel without the approval of the department of ~~social and rehabilitation services~~. The department may request the county board to dismiss any member of the staff personnel for inefficiency, incompetence, or

similar cause. The final authority for dismissal is the county board. ~~In counties where the department has assumed the administration of welfare duties, the final authority for dismissal is the director of the department.~~

(2) Public assistance staff personnel attached to the county board ~~shall~~ must be paid from state public assistance funds both their salaries and their travel expenses as provided for in 2-18-501 through 2-18-503 when away from the county seat in the performance of their duties, but the county board of public welfare shall reimburse the department of social and rehabilitation services from county poor funds the full amount of the salaries and travel expenses not reimbursed to the department by the federal government and the full amount of the department's administrative costs ~~which~~ that are allocated by the department to the county for the administration of county welfare programs and not reimbursed to the department by the federal government. Under circumstances prescribed by the department of social and rehabilitation services, the reimbursement by the county board of public welfare may be less than the county share as prescribed ~~above~~ in this subsection. All other administrative costs of the county department ~~shall also~~ must be paid from county poor funds.

(3) On or before the 20th day of the month following the month for which the payments to the public assistance staff personnel of the county were made, the department of social and rehabilitation services shall present to the county department of public welfare a claim for the required reimbursements. The county board shall make ~~such~~ the reimbursements within 20 days after the presentation of the claim, and the department of social and rehabilitation services shall credit (add) all ~~such~~ the reimbursements to its account for administrative costs.

(4) ~~If a county has transferred its public assistance and protective services responsibilities to the state under part 8 of this chapter, the appropriate department shall select, appoint, and supervise all necessary public assistance and protective services personnel, including if necessary a supervisor of staff personnel. All such personnel are directly responsible to that department."~~

Section 13. Section 53-2-306, MCA, is amended to read:  
"53-2-306. County department charged with local administration of public assistance. ~~Except in a county that has transferred its public assistance and protective services responsibilities to the state under part 8 of this chapter, the~~ The county department of public welfare ~~shall be~~ is charged with the local administration of ~~all forms of~~ public assistance operations in the county. All ~~such~~ local administration of public assistance must conform to federal and state law and the rules as established by the department of social and rehabilitation services."

Section 14. Section 53-2-322, MCA, is amended to read:  
"53-2-322. County to levy taxes, budget, and make expenditures for public assistance activities. (1) The board of county commissioners in each county shall levy 13.5 mills for the county poor fund as provided by law or so much ~~thereof~~ of that

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amount as may be necessary. The board may levy an additional 12 mills if approved by the voters in the county for fiscal year 1993. A county shall levy sufficient mills to reimburse the state for any administrative or operational costs in excess of the administrative and operational costs for fiscal year 1993. The department shall notify the counties of the number of mills required to be levied. Counties transferring public assistance and protective services responsibilities to the state under part 8 of this chapter may not levy more than the difference between 13.5 mills and the state levy pursuant to 53-2-813.

(2) The board shall budget and expend so much of the funds in the county poor fund for public assistance and protective services purposes as will enable the county welfare department to pay the general relief activities of the county and to reimburse the department of social and rehabilitation services and the department of family services for the county's proportionate share of the administrative costs of the county welfare department and of all public assistance and protective services and its proportionate share of any other public assistance activity that may be carried on jointly by the state and the county.

(3) The amounts set up in the budget for the reimbursements to the department of social and rehabilitation services and the department of family services shall must be sufficient to make all of these reimbursements in full. The budget shall must make separate provision for each one of these public assistance and protective services activities, and proper accounts shall must be established for the funds for all such the activities.

(4) The department of social and rehabilitation services shall submit to the counties, no later than May 10, the most current county participation percentages that are necessary to establish preliminary county budgets. As soon as the county proposed budget provided for in 7-6-2315 has been agreed upon, a copy thereof shall without delay must be mailed to the department of social and rehabilitation services, and at any time before the final adoption of the budget, the department shall make such recommendations with regard to changes in any part of the budget relating to the county poor fund as considered necessary in order to enable the county to discharge its obligations under the public assistance laws.

(5) The department of social and rehabilitation services shall promptly examine the county proposed budget in order to ascertain if the amounts provided for reimbursements to the department are likely to be sufficient and shall notify the county clerk of its findings. The board shall make such changes in the amounts provided for reimbursements, if any are required, in order that the county will be able to make the reimbursements in full.

(6) The board of county commissioners may not make any transfer from the amounts budgeted for reimbursing the department of social and rehabilitation services without having first obtained a statement in writing from the department to the effect that the amount to be transferred will not be required during the fiscal year for the purposes for which the amounts were provided in the budget.



(7) ~~No part of the~~ The county poor fund, irrespective of the source of any part ~~thereof of the fund~~, may not be used directly or indirectly for the erection or improvement of any county building so long as the fund is needed for general relief expenditures by the county or is needed for paying the county's proportionate share of public assistance and protective services or its proportionate share of any other public assistance activity that may be carried on jointly by the state and the county. Expenditures for improvement of any county buildings used directly for care of the poor, except a county hospital or county nursing home, may be made out of ~~any moneys~~ money in the county poor fund, whether ~~such moneys are the money~~ the money was produced by the ~~13.5 mill mill~~ levy provided for in subsection (1) ~~of this section~~ or from any additional levy authorized ~~or to be authorized~~ by law. ~~Such~~ The expenditure ~~shall may~~ be authorized only when any county building used for the care of the poor must be improved in order to meet legal standards required for ~~such buildings~~ the building by the department of health and environmental sciences and when ~~such the~~ expenditure has been approved by the department of social and rehabilitation services and the department of family services.

(8) Money in the county poor fund may be used as matching funds for the receipt of federal money."

Section 15. Section 53-2-801, MCA, is amended to read:  
"53-2-801. Purpose. The purpose of this part is to provide for the department of social and rehabilitation services to assume all responsibilities for public assistance programs, except for general relief as provided in chapter 3, and for the department of family services to assume all responsibilities for protective services for children and adults that, as of July 1, 1983, are provided by the counties pursuant to Titles 41 and 53. The assumption may become effective only at the option and with the express consent of each individual county requesting state assumption."

Section 16. Section 53-2-802, MCA, is amended to read:  
"53-2-802. Definitions. Unless the context requires otherwise, in this part the following definitions apply:

(1) "County department" means the county department of public welfare provided for in part 3 of this chapter.

(2) "Mill levy equivalent" means the prior year's expenditure divided by the value of 1 mill.

(3) "Needy person" is one who is eligible for public assistance under the laws of this state.

(4) "Protective services" means services to children and adults to be provided by the department of family services as permitted by Titles 41 and 53.

(5) "Public assistance" or "assistance" means any type of monetary or other assistance furnished under this title to a person by a state or county department, regardless of the original source of assistance, except general relief as provided in chapter 3.

(6) "State assumption" means the transfer to the department of social and rehabilitation services and the department of family services for the county by the board of county



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commissioners of all powers and duties, including staff personnel as provided in 53-2-301 through 53-2-306 and public assistance and protective services, respectively, provided by the county department pursuant to Titles 41 and 53, except as otherwise specifically provided in this part."

Section 17. Section 53-2-803, MCA, is amended to read:

"53-2-803. Authority to adopt rules. (4) The department of social and rehabilitation services and the department of family services may adopt rules necessary to carry out the purposes of this part, including implementing transfer of the county programs to each department, respectively.

~~(2) The department of social and rehabilitation services may adopt rules:~~

~~(a) to determine the amount, scope, and duration of general relief, which may not exceed those services and amounts payable under the department of social and rehabilitation services' programs of medicaid and aid to families with dependent children as necessary to carry out the purposes of this part; and~~

~~(b) establishing a system of penalties and sanctions applicable to providers of health related services to state assumed counties in accordance with 53-6-111(2) through (5)."~~

Section 18. Section 53-2-811, MCA, is amended to read:

"53-2-811. Transfer of county public assistance and protective services to state departments -- reassumption of responsibility. (1) All authority granted to the board of county commissioners to establish and operate a public assistance program and provide protective services for children and adults pursuant to Titles 41 and 53 may be transferred to the department of social and rehabilitation services and the department of family services, respectively, except that the county attorney shall continue to provide legal assistance and representation for the purposes of adult and child protective services without charge and all debts and obligations incurred prior to the effective date of state assumption continue as the responsibility of the county.

(2) The board of county commissioners, after public hearing, may by resolution or ordinance transfer to the department of social and rehabilitation services and the department of family services all powers and duties for public assistance and protective services for children and adults, respectively, including the selection, supervision, and termination of staff personnel associated with the performance of these activities. Upon the effective date of ~~such~~ the transfer, the department of social and rehabilitation services and the department of family services shall assume all powers and duties related to public assistance and protective services, respectively, and accorded by law to the county welfare department. If the notice required in subsection (3) is given, the transfer is effective at the start of the next state fiscal year.

(3) Counties opting for state assumption or reassuming responsibility shall notify the department of social and rehabilitation services and the department of family services at least 90 days prior to the start of the state fiscal year unless the

~~time period is waived in whole or in part by the director of each department within 30 days after [the effective date of this section]. A county shall notify the department of social and rehabilitation services and the department of family services by October 1 if the county wishes to change its status on the following July 1.~~

(4) Counties opting for state assumption shall permit the department of social and rehabilitation services and the department of family services to use the same facilities currently occupied by the county department or substantially equal facilities, with fair rental value for ~~such~~ the facilities to be paid by each department. Counties opting for state assumption shall transfer to the appropriate department all materials, equipment, and supplies used in the operation of the county department and which were paid for in whole or in part with federal or state funds."

Section 19. Section 53-2-812, MCA, is amended to read:

"53-2-812. State assumption -- permanent transfer to state -- exceptions. ~~(1) A county opting for state assumption does so on a complete and permanent basis, unless the county requests to retain or reassume responsibility for medical assistance or monetary payments to needy persons as provided in Title 53, chapter 3. State assumption must be made pursuant to the adoption of a resolution or ordinance as provided in 53-2-811(2) and notice to the department of social and rehabilitation services and the department of family services as provided in 53-2-811(3). A county that has opted for state assumption prior to [the effective date of this section] may reassume responsibility for public assistance and protective services if notice is provided pursuant to 53-2-811(2) and (3). A county shall notify the department of social and rehabilitation services and the department of family services by October 1 if the county wishes to change its status on the following July 1. Under such a retention or reassumption, staff personnel continue under the supervision and control of the department of social and rehabilitation services but the~~ The department may contract with the counties for the operation of programs provided in Title 53, chapter 3. ~~A county may not retain or reassume assistance programs partially funded by the federal government.~~

~~(2) A county transferring all duties and responsibilities to the state may reassume limited responsibility for medical assistance or monetary payments to needy persons as provided in subsection (1) but may not thereafter request full state assumption. A county initially requesting limited state assumption may not thereafter request full state assumption. A county opting for limited or full state assumption does so on a permanent basis, except as provided in this section."~~

Section 20. Section 53-2-813, MCA, is amended to read:

"53-2-813. Mill levy for counties transferring public assistance and protective services. (1) For the purpose of this part, 12 mills must be levied annually in those counties opting for state assumption.

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~~(2) For a county electing state assumption before July 1, 1986, the proceeds of the mill levy established in subsection (1) must be deposited in the state special revenue fund in the state treasury for the purpose of paying the expenses of the department of social and rehabilitation services. The mill levy may not exceed 12 mills, notwithstanding actual expenditures made by the department.~~

~~(3) For a county electing state assumption on or after July 1, 1986, the proceeds of the mill levy established in subsection (1) must be deposited in the state special revenue fund in the state treasury to the credit of the department of social and rehabilitation services. The general fund authority of the department of social and rehabilitation services shall must be reduced and the general fund authority of the department of family services shall must be increased by an amount equal to the county's expenditures for child and adult protective services in the fiscal year immediately preceding state assumption. The mill levy may not exceed 12 mills, notwithstanding actual expenditures made by the department of social and rehabilitation services and the department of family services.~~

~~(4) For a county retaining or reassuming operational responsibility for medical assistance or monetary payments to needy persons as provided in 53-2-812, the levy provided in subsection (1) must be reduced by the mill levy equivalent expended by that county or the department for such purposes in the fiscal year immediately preceding the option to retain or reassume such responsibility."~~

NEW SECTION. Section 21. General relief -- optional county program. (1) A county may provide a program of general relief that it determines necessary. The program may include assistance for food, clothing, shelter, transportation, and medical assistance for individuals not eligible for state or federal programs providing similar assistance. A county may provide for the burial of indigents. The general relief activities of the county include:

(a) job training and employment programs authorized under Title 53, chapter 2, part 11;

(b) general relief assistance benefits as provided in Title 53, chapter 3, part 2; and

(c) health care, preventive care, and wellness programs as determined by the county commissioners.

(2) A county may establish the criteria for determining eligibility for assistance, including but not limited to residency requirements, limits on income and resources, and the amount, scope, and duration of assistance.

(3) A county may deny assistance for a reasonable period if a person has voluntarily left employment without good cause or is discharged due to misconduct.

(4) The program may be funded with money derived from the county poor fund mill levy established in 53-2-322.



Section 22. Section 53-2-1101, MCA, is amended to read:  
"53-2-1101. Legislative findings. The legislature finds and declares that:

(1) many economically disadvantaged persons are unable to take their place in the economic mainstream of society because they lack the skills and training needed to obtain productive employment or to avoid long-term dependency on public assistance programs;

(2) existing state and federal employment and training programs, including the work incentive program, ~~the work programs provided for in 53-3-304~~, and the programs administered under Title II-A of the Job Training Partnership Act, have proved to be a multiple, uncoordinated response to the needs of the economically disadvantaged; and

(3) a successful job training program will require a comprehensive, integrated range of nonduplicative employment and training services for economically disadvantaged persons that will result in economic self-sufficiency through placement of economically disadvantaged persons in long-term, sustainable employment."

Section 23. Section 53-2-1109, MCA, is amended to read:  
"53-2-1109. Coordination of services. The state job training coordinating council shall identify, in coordination with the appropriate state and local agencies, the employment, training, and vocational education needs throughout the state and assess the extent to which employment and training, vocational education, rehabilitation services, public assistance, economic development, and other federal, state, and local programs and services represent a consistent, integrated, and coordinated approach to meeting such needs. In carrying out this coordinating function, the council shall consider state policy set forth in 2-15-101 to eliminate overlapping and duplication of services within state government and in accordance with the provisions of section 121 of the Job Training Partnership Act (29 U.S.C. 1531) and other employment and training programs, including:

(1) programs operated under the federal Family Support Act of 1988; and

(2) programs and services of public assistance agencies; ~~including the programs established in 53-3-304.~~"

Section 24. Section 53-3-112, MCA, is amended to read:  
"53-3-112. Fraud and recovery of overpayments.

(1) The county department of public welfare shall deny general relief for a reasonable period of time to any household determined to have received any assistance by means of fraud.

(2) The county department of public welfare or its agent may recover or offset any amounts of general relief made available to a household ~~which that~~, because of fraud or mistake, are above the amounts that should have been provided."

Section 25. Section 53-3-207, MCA, is amended to read:



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"53-3-207. Application for other state and federal programs -- interim relief -- subrogation of department to receipt of federal payments. (1) General relief is available to a recipient to the extent ~~such~~ the relief is not duplicative of resources or benefits reasonably available to the recipient.

(2) If other federal or state programs of assistance are reasonably available to meet the needs of a household, an applicant must apply for those programs before general relief may be provided. A household may be provided general relief after initial application for other programs of assistance. If denied ~~such~~ the other assistance, the applicant must pursue available administrative appeals for those programs to the final administrative appeal level. If the applicant becomes eligible for other assistance covering the same period of time that interim general relief is provided, ~~such~~ the interim relief must be repaid to the county department or offset from lump sums or retroactive payments from other programs of assistance.

(3) To the extent necessary for repayment of interim general relief provided to an applicant, the county department is subrogated to the right of an attorney to recover from the federal government the costs of providing the applicant legal assistance in obtaining eligibility for supplemental security income under Title XVI of the Social Security Act."

Section 26. Section 53-3-303, MCA, is amended to read:

"53-3-303. Conditions of eligibility. (1) As a condition of eligibility for general relief, an employable or temporarily unemployable recipient must:

(a) register for employment with the department of labor and industry;

(b) maintain an active job registration file; and

(c) ~~comply with and actively participate in any job search, training, workfare, or self-sufficiency program required by the department; and~~

(~~d~~) actively pursue and accept available employment within ~~his or her~~ the recipient's capability.

(2) ~~Refusal without good cause to comply with the requirements of subsection (1) will render the individual recipient, but not the rest of that recipient's household, ineligible for general relief for 3 months following the first refusal and for 6 months following any subsequent refusal. The period of ineligibility begins on the first day of the next month in which the person would otherwise be eligible for general relief. A county may require participation in job search, training, and work programs or in a program of drug or alcohol rehabilitation as a condition of the receipt of assistance. General relief may be withheld until participation in a program is completed. A county may deny assistance for a reasonable period of time for any person refusing to participate in a required program.~~"

Section 27. Section 53-3-309, MCA, is amended to read:

"53-3-309. Form of relief. The choice as to the form or forms of relief provided is at the discretion of the county welfare

~~department in counties without state-assumed welfare services or the department if the state has assumed responsibility for the welfare services in a county.~~ The form of relief may include but is not limited to cash, checks, vouchers, lines of credit, in-kind goods and services, and food commodities."

Section 28. Section 53-3-310, MCA, is amended to read:

"53-3-310. Scope of general relief medical assistance -- limitations. (1) General relief medical assistance is limited to ~~inpatient and outpatient hospital services,~~ physician services, laboratory services, x-ray services, and prescription drugs. Assistance may not exceed the scope or duration of similar services provided under the Montana medicaid program pursuant to Title 53, chapter 6, part 1, and rules adopted by the department to administer the program.

(2) General relief medical assistance in a county without state-assumed welfare services must, within the limitations of subsection (1), be provided in amounts determined by the county welfare board.

(3) General relief medical assistance in counties with state-assumed welfare services must, within the limitations of subsection (1), be provided in amounts not to exceed payments under the medicaid program. Services must be limited to the least costly method of alleviating the serious medical condition.

(4) General relief medical assistance is limited to covered medical needs not met by other services or benefits available to the person. Available services or benefits include but are not limited to health and accident insurance, veterans' benefits, industrial accident benefits, medicare and medicaid benefits, and other liable third parties.

(5) A person who is chronically ill may receive general relief medical assistance for services limited to treatment of a serious medical condition related to chronic illness.

(6) A person who has an acute medical need but who is not chronically ill may receive general relief medical assistance but only for services necessary to treat a serious medical condition that requires immediate medical attention to alleviate a serious health risk.

(7) A child less than 18 years of age may receive the same scope and duration of services as provided under the Montana medicaid program provided for in Title 53, chapter 6.

(8) A person who requires medical services in order to obtain or retain employment may receive services similar to those provided under the Montana medicaid program but only for the duration of need.

(9) Except as provided in subsection (7), nothing in this chapter may be construed to require the same scope of medical services as provided under the Montana medicaid program."

Section 29. Section 53-3-325, MCA, is amended to read:

"53-3-325. Transition-to-work allowance. (1) As an alternative to the programs and services provided in 53-3-304, the county department of public welfare may pay recipients a

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transition-to-work allowance. This allowance may be used only for relocation expenses for recipients who have obtained employment in another county or state.

(2) Notwithstanding any other provision of this chapter, a person who elects to receive the allowance provided in subsection (1) is ineligible for general relief for a period of 16 months."

Section 30. Section 53-3-326, MCA, is amended to read:

"53-3-326. Transportation assistance. The county department of public welfare may provide necessary transportation or reimbursement of transportation costs for persons enrolled in job search, training, workfare, or self-sufficiency programs provided in 53-3-304."

NEW SECTION. Section 31. Repealer. Sections 53-2-321, 53-2-323, 53-2-821, 53-2-822, 53-3-109, 53-3-110, 53-3-113, 53-3-114, 53-3-121, 53-3-122, 53-3-201, 53-3-205, 53-3-208, 53-3-209, 53-3-210, 53-3-211, 53-3-212, 53-3-215, 53-3-304, 53-3-305, 53-3-307, 53-3-308, 53-3-310, 53-3-311, 53-3-314, 53-3-318, 53-3-321, 53-3-322, 53-3-323, 53-3-324, 53-3-325, 53-3-326, 53-3-327, and 53-3-328, MCA, are repealed.

NEW SECTION. Section 32. Codification instruction. [Sections 1 and 21] are intended to be codified as an integral part of Title 53, and the provisions of Title 53 apply to [sections 1 and 21].

NEW SECTION. Section 33. Effective dates. (1) [Sections 18, 19, 28, and 32 and this section] are effective on passage and approval.

(2) [Sections 1 through 17, 20 through 27, and 29 through 31] are effective January 1, 1994."

And, as amended, do pass. Report adopted.

### MESSAGES FROM THE SENATE

Senate bills passed and transmitted to the House for concurrence:

2/23/93

**SB 266**, introduced by Crippen  
**SB 285**, introduced by Franklin  
**SB 323**, introduced by Christiaens  
**SB 332**, introduced by Weldon  
**SB 368**, introduced by Doherty  
**SB 372**, introduced by Swysgood  
**SB 384**, introduced by Lynch  
**SB 386**, introduced by Wilson  
**SB 390**, introduced by Christiaens  
**SB 395**, introduced by Harp  
**SB 397**, introduced by Doherty  
**SB 398**, introduced by Rea  
**SB 399**, introduced by Eck  
**SB 403**, introduced by Rye

**SB 406**, introduced by Bartlett  
**SB 407**, introduced by Fritz  
**SB 408**, introduced by Christiaens  
**SB 409**, introduced by Hockett  
**SB 416**, introduced by Bruski-Maus  
**SB 419**, introduced by Lynch  
**SB 420**, introduced by Lynch  
**SJR 20**, introduced by Yellowtail  
**SJR 22**, introduced by Hockett  
**SJR 23**, introduced by Rye  
**SJR 24**, introduced by Bianchi  
**SJR 25**, introduced by Bruski-Maus  
**SJR 27**, introduced by Christiaens

Senate bills passed and transmitted to the House for concurrence:

2/24/93

**SB 51**, introduced by Bianchi  
**SB 202**, introduced by Harding  
**SB 284**, introduced by Weldon  
**SB 310**, introduced by Rea  
**SB 329**, introduced by Klampe  
**SB 330**, introduced by Nathe  
**SB 336**, introduced by Yellowtail  
**SB 338**, introduced by Yellowtail  
**SB 339**, introduced by Weeding  
**SB 342**, introduced by Wilson  
**SB 344**, introduced by Waterman  
**SB 347**, introduced by Harp  
**SB 349**, introduced by Christiaens  
**SB 351**, introduced by Weldon  
**SB 371**, introduced by Rye  
**SB 377**, introduced by Bartlett  
**SB 381**, introduced by Forrester  
**SB 387**, introduced by Bianchi  
**SB 392**, introduced by Waterman  
**SB 393**, introduced by Fritz  
**SB 394**, introduced by Harp  
**SB 418**, introduced by Doherty  
**SB 425**, introduced by Brown  
**SJR 26**, introduced by Pipinich

#### **FIRST READING AND COMMITMENT OF BILLS AND RESOLUTIONS**

The following House bill was introduced, read first time, and referred to committee:

**HB 655**, introduced by Simon, Grosfield, referred to Committee on Appropriations



**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 193** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 99

Noes: None.

Total 0

Voted Absentee: Fisher, Larson, Ayes.

Excused: Cobb.

Total 1

Absent or not voting: None.

Total 0

**HB 196** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Benedict, Bergman, Bergsagel, Bird, Bohlinger, Brandewie, Clark, DeBruycker, Driscoll, Elliott, Ellis, Feland, Fisher, Foster, Gervais, Gilbert, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Harper, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Mason, Mills, Molnar, T. Nelson, Orr, Peterson, Quilici, Raney, Rehbein, J. Rice, Rose, Sayles, Simon, Simpkins, Smith, Spring, Stovall, Tash, Tunby, Vogel, Wagner, Wallin, Winslow, Wiseman, Zook, Mr. Speaker.

Total 60

Noes: Barnhart, Boharski, Brooke, Brown, Cocchiarella, Daily, Davis, Dolezal, Dowell, Endy, Ewer, Fagg, Galvin, Hansen, Harrington, Hayne, Larson, McCaffree, McCarthy, McCulloch, Menahan, L. Nelson, Pavlovich, Peck, Ream, S. Rice, Russell, Ryan, Schwinden, Schye, Squires, Stanford, Strizich, Swanson, Tuss, Wanzenried, Whalen, Wyatt.

Total 38

Voted Absentee: Fisher, Aye; Larson, No.

Excused: Cobb.  
Total 1

Absent or not voting: Toole.  
Total 1

**HB 346** passed as follows:

Ayes: Anderson, Bachini, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Clark, Cobb, Daily, DeBruycker, Ellis, Fagg, Feland, Fisher, Foster, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kasten, Keller, Knox, Mason, McCarthy, Mills, Molnar, T. Nelson, Orr, Pavlovich, Peterson, Quilici, Ream, Rehbein, J. Rice, Rose, Sayles, Simon, Simpkins, Smith, Spring, Stanford, Stovall, Tash, Tunby, Vogel, Wagner, Wallin, Winslow, Wiseman, Zook, Mr. Speaker.  
Total 64

Noes: Bardanouve, Brooke, Brown, Cocchiarella, Davis, Dolezal, Dowell, Driscoll, Elliott, Endy, Ewer, Galvin, Gervais, Harper, Harrington, Kadas, Larson, McCaffree, McCulloch, Menahan, L. Nelson, Peck, Raney, S. Rice, Russell, Ryan, Schwinden, Schye, Squires, Strizich, Swanson, Toole, Tuss, Wanzenried, Whalen, Wyatt.  
Total 36

Voted Absentee: Cobb, Fisher, Ayes; Larson, No.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 425** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Fagg, Feland, Foster, Gervais, Gilbert, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harrington, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Quilici, Raney, Ream, J. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wyatt, Zook, Mr. Speaker.  
Total 86

Noes: Bergsagel, Ewer, Fisher, Galvin, Grady, Harper, Hayne, Kasten, Peterson, Rehbein, S. Rice, Smith, Tash, Wiseman.  
Total 14

Voted Absentee: Cobb, Larson, Ayes; Fisher, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 431** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bird, Bohlinger, Brandewie, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, Harper, Harrington, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, Orr, Pavlovich, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 85

Noes: Bergman, Bergsagel, Boharski, DeBruycker, Elliott, H.S. Hanson, M. Hanson, Hayne, Kasten, L. Nelson, T. Nelson, Peck, Rehbein, Smith.

Total 14

Voted Absentee: Fisher, Larson, Ayes.

Excused: Cobb.

Total 1

Absent or not voting: None.

Total 0

**HB 463** passed as follows:

Ayes: Bardanouve, Benedict, Bergman, Boharski, Bohlinger, Brandewie, DeBruycker, Dowell, Ellis, Ewer, Feland, Fisher, Foster, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Harper, Hayne, Herron, Hibbard, R. Johnson, Kadas, Keller, Knox, Larson, Mason, Menahan, Molnar, Orr, Peterson, Rehbein, Rose, Sayles, Simon, Simpkins, Smith, Spring, Stovall, Tash, Toole, Tunby, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Mr. Speaker.

Total 51

Noes: Anderson, Bachini, Barnett, Barnhart, Bergsagel, Bird, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, Dolezal, Driscoll, Elliott, Endy, Fagg, Galvin, Gervais, Gilbert, Hansen, Harrington, J. Johnson, Kasten, McCaffree, McCarthy, McCulloch, Mills, L. Nelson, T. Nelson, Pavlovich, Peck, Quilici, Raney, Ream, J. Rice, S. Rice, Russell, Ryan, Schwinden, Schye, Squires, Stanford, Strizich, Swanson, Tuss, Wyatt, Zook.

Total 48

Voted Absentee: Fisher, Larson, Ayes.

Excused: Cobb.  
Total 1

Absent or not voting: None.  
Total 0

**HB 485** passed as follows:

Ayes: Barnhart, Benedict, Bergman, Boharski, Brandewie, Brooke, Brown, Clark, Cocchiarella, Daily, Dolezal, Driscoll, Endy, Fagg, Fisher, Foster, Galvin, Gervais, Grady, Grimes, Hansen, H.S. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Knox, Larson, Mason, McCaffree, McCarthy, Menahan, Orr, Pavlovich, Peterson, Quilici, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Schye, Simon, Simpkins, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Vogel, Wagner, Whalen, Winslow, Wiseman, Wyatt, Zook.  
Total 64

Noes: Anderson, Bachini, Bardanouve, Barnett, Bergsagel, Bird, Bohlinger, Davis, DeBruycker, Dowell, Elliott, Ellis, Ewer, Feland, Gilbert, Grinde, M. Hanson, Kadas, Kasten, Keller, McCulloch, Mills, Molnar, L. Nelson, T. Nelson, Peck, Raney, Rehbein, Sayles, Schwinden, Smith, Tuss, Wallin, Wanzenried, Mr. Speaker.  
Total 35

Voted Absentee: Fisher, Larson, Ayes.

Excused: Cobb.  
Total 1

Absent or not voting: None.  
Total 0

**HB 487** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Clark, Cobb, Daily, Davis, DeBruycker, Dowell, Driscoll, Elliott, Ellis, Fagg, Feland, Fisher, Foster, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Hayne, Herron, Hibbard, R. Johnson, Kasten, Keller, Knox, Larson, Mason, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peterson, Quilici, Raney, Rehbein, J. Rice, Rose, Sayles, Simon, Simpkins, Smith, Spring, Stovall, Tash, Tunby, Vogel, Wagner, Wallin, Wanzenried, Winslow, Wiseman, Zook, Mr. Speaker.  
Total 69

Noes: Brooke, Brown, Cocchiarella, Dolezal, Endy, Ewer, Galvin, Gervais, Harper, Harrington, J. Johnson, Kadas, McCaffree, McCarthy, McCulloch, Menahan, Peck, Ream, S. Rice, Russell, Ryan, Schwinden, Schye, Squires, Stanford, Strizich, Swanson, Toole, Tuss, Whalen, Wyatt.  
Total 31

Voted Absentee: Cobb, Fisher, Larson, Ayes.



Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 507** passed as follows:

Ayes: Barnett, Barnhart, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Clark, Cocchiarella, Daily, Davis, DeBruycker, Ellis, Endy, Fagg, Fisher, Foster, Gilbert, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Harrington, Hayne, Herron, Hibbard, R. Johnson, Keller, Knox, Mason, McCarthy, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peterson, Quilici, Rehbein, Rose, Ryan, Sayles, Schye, Simon, Simpkins, Smith, Spring, Swanson, Tash, Tunby, Vogel, Wagner, Wallin, Wiseman, Zook, Mr. Speaker.

Total 60

Noes: Anderson, Bachini, Bardanouve, Benedict, Brooke, Brown, Dolezal, Dowell, Driscoll, Elliott, Ewer, Feland, Galvin, Gervais, Hansen, Harper, J. Johnson, Kadas, Kasten, Larson, McCaffree, McCulloch, Peck, Raney, Ream, J. Rice, S. Rice, Russell, Schwinden, Squires, Stanford, Stovall, Strizich, Toole, Tuss, Wanzenried, Whalen, Winslow, Wyatt.

Total 39

Voted Absentee: Fisher, Aye; Larson, No.

Excused: Cobb.

Total 1

Absent or not voting: None.

Total 0

**HB 527** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brown, Clark, Cobb, Daily, Davis, DeBruycker, Dowell, Driscoll, Ellis, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, M. Hanson, Harrington, Hayne, Herron, J. Johnson, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Rehbein, S. Rice, Rose, Sayles, Simon, Simpkins, Squires, Stanford, Stovall, Strizich, Tunby, Tuss, Vogel, Wagner, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 74

Noes: Barnett, Barnhart, Brooke, Cocchiarella, Dolezal, Elliott, Endy, Ewer, H.S. Hanson, Harper, Hibbard, R. Johnson, Kadas, McCarthy, Ream, J. Rice, Russell, Ryan, Schwinden, Schye, Smith, Spring, Swanson, Tash, Toole, Wallin.

Total 26

Voted Absentee: Cobb, Fisher, Larson, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 535** passed as follows:

Ayes: Anderson, Barnett, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brown, Clark, Cocchiarella, Daily, Elliott, Ellis, Ewer, Fagg, Foster, Gervais, Gilbert, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Harrington, Hayne, Herron, Hibbard, R. Johnson, Kasten, Keller, Knox, Mason, McCaffree, Mills, Molnar, T. Nelson, Orr, Pavlovich, Peterson, Quilici, Rehbein, J. Rice, Rose, Russell, Sayles, Simon, Simpkins, Smith, Spring, Squires, Stovall, Tash, Toole, Tunby, Vogel, Wagner, Wallin, Whalen, Winslow, Wiseman, Zook, Mr. Speaker.

Total 64

Noes: Bachini, Bardanouve, Barnhart, Brooke, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Endy, Feland, Fisher, Galvin, Hansen, Harper, J. Johnson, Kadas, Larson, McCarthy, McCulloch, Menahan, L. Nelson, Peck, Raney, Ream, S. Rice, Ryan, Schwinden, Schye, Stanford, Strizich, Swanson, Tuss, Wanzenried, Wyatt.

Total 35

Voted Absentee: Fisher, Larson, Noes.

Excused: Cobb.

Total 1

Absent or not voting: None.

Total 0

**HB 541** passed as follows:

Ayes: Bardanouve, Barnett, Barnhart, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Galvin, Gervais, Gilbert, Grimes, Grinde, Hansen, H.S. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wallin, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 87

Noes: Anderson, Bachini, Benedict, Feland, Foster, Grady, T. Nelson, Wagner, Wanzenried, Winslow.

Total 10

Voted Absentee: Fisher, Larson, Ayes.

Excused: Cobb.

Total 1

Absent or not voting: M. Hanson, Whalen.

Total 2

**HB 548** passed as follows:

Ayes: Anderson, Bachini, Bardanoue, Barnett, Barnhart, Benedict, Bergsagel, Boharski, Bohlinger, Brandewie, Brooke, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Harper, Harrington, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 88

Noes: Brown, DeBruycker, Feland, Hansen, Hayne, Kasten, Larson, L. Nelson, Rehbein, Whalen.

Total 10

Voted Absentee: Cobb, Fisher, Ayes; Larson, No.

Excused: None.

Total 0

Absent or not voting: Bergman, Bird.

Total 2

**HB 582** passed as follows:

Ayes: Anderson, Bachini, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brown, Clark, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 97

Noes: Bardanoue, Brooke.

Total 2

Voted Absentee: Fisher, Larson, Ayes.

Excused: Cobb.

Total 1

Absent or not voting: None.

Total 0

**HB 596** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cocchiarella, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Ewer, Fagg, Feland, Fisher, Foster, Gervais, Gilbert, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCarthy, McCulloch, Menahan, Mills, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 91

Noes: Daily, Endy, Galvin, Hansen, McCaffree, Molnar, Stanford, Tuss.

Total 8

Voted Absentee: Fisher, Larson, Ayes.

Excused: Cobb.

Total 1

Absent or not voting: None.

Total 0

**HB 610** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnhart, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Grady, Grimes, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hibbard, J. Johnson, R. Johnson, Kadas, Larson, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Pavlovich, Peck, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Tunby, Tuss, Vogel, Wagner, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 80

Noes: Barnett, Benedict, Bergsagel, DeBruycker, Feland, Gilbert, Grinde, Hayne, Herron, Kasten, Keller, Knox, Mason, Orr, Peterson, Rehbein, Sayles, Toole, Wallin.

Total 19



Voted Absentee: Fisher, Larson, Ayes.

Excused: Cobb.

Total 1

Absent or not voting: None.

Total 0

**HB 619** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Herron, Hibbard, J. Johnson, Kadas, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wallin, Wanzenried, Whalen, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 86

Noes: Benedict, Bergsagel, DeBruycker, Hayne, R. Johnson, Kasten, Keller, Peterson, Rehbein, Spring, Wagner.

Total 11

Voted Absentee: Fisher, Larson, Ayes.

Excused: Cobb.

Total 1

Absent or not voting: Squires, Winslow.

Total 2

**HB 631** passed as follows:

Ayes: Anderson, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peterson, Quilici, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 94

Noes: Bachini, McCaffree, Peck, Raney.

Total 4

Voted Absentee: Fisher, Larson, Ayes.

Excused: Cobb.

Total 1

Absent or not voting: Hansen.

Total 1

**HB 635** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 98

Noes: Ewer.

Total 1

Voted Absentee: Fisher, Larson, Ayes.

Excused: Cobb.

Total 1

Absent or not voting: None.

Total 0

**HB 638** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 95

Noes: DeBruycker, Fisher, Mills, Winslow.

Total 4

Voted Absentee: Larson, Aye; Fisher, No.

Excused: Cobb.

Total 1

Absent or not voting: None.

Total 0

**HB 644** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simpkins, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Vogel, Wagner, Wallin, Whalen, Winslow, Wiseman, Zook, Mr. Speaker.

Total 89

Noes: DeBruycker, Galvin, McCaffree, Peck, Peterson, Simon, Smith, Wanzenried, Wyatt.

Total 9

Voted Absentee: Fisher, Larson, Ayes.

Excused: Cobb.

Total 1

Absent or not voting: Tuss.

Total 1

**HB 650** passed as follows:

Ayes: Barnhart, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Grady, Grimes, Hansen, Harper, Harrington, Herron, Hibbard, J. Johnson, Kadas, Keller, Larson, Mason, McCarthy, McCulloch, Menahan, Molnar, T. Nelson, Orr, Pavlovich, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Schwinden, Schye, Simon, Simpkins, Smith, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wallin, Whalen, Winslow, Wyatt, Zook, Mr. Speaker.

Total 71

Noes: Anderson, Bachini, Bardanouve, Barnett, Benedict, Bergman, Bergsagel, DeBruycker, Elliott, Feland, Gilbert, Grinde, H.S. Hanson, M.

Hanson, Hayne, R. Johnson, Kasten, Knox, McCaffree, Mills, L. Nelson, Peck, Rehbein, Sayles, Spring, Wagner, Wanzenried, Wiseman.  
Total 28

Voted Absentee: Fisher, Larson, Ayes.

Excused: Cobb.  
Total 1

Absent or not voting: None.  
Total 0

**HJR 19** passed as follows:

Ayes: Anderson, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCarthy, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peterson, Quilici, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook.  
Total 91

Noes: Bachini, Cocchiarella, Harrington, McCaffree, McCulloch, Peck, Raney.  
Total 7

Voted Absentee: Fisher, Larson, Ayes.

Excused: Cobb.  
Total 1

Absent or not voting: Mr. Speaker.  
Total 1

**HJR 20** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel,



Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 99

Noes: None.

Total 0

Voted Absentee: Fisher, Larson, Ayes.

Excused: Cobb.

Total 1

Absent or not voting: None.

Total 0

**HJR 23** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 95

Noes: Bergsagel, Clark, Orr.

Total 3

Voted Absentee: Fisher, Larson, Ayes.

Excused: Cobb.

Total 1

Absent or not voting: Tuss.

Total 1

**SB 161** concurred in as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Bohlinger, Brandewie, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Foster, Galvin, Gervais, Grady, Grimes, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, J. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford,

Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner,  
Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 89

Noes: Boharski, Feland, Fisher, Gilbert, Grinde, Hibbard, R. Johnson, T.  
Nelson, Peterson, Rose.  
Total 10

Voted Absentee: Larson, Aye; Fisher, No.

Excused: Cobb.  
Total 1

Absent or not voting: None.  
Total 0

### **ANNOUNCEMENTS**

Committee meetings were announced by committee chairmen.

Representative Grinde moved the House adjourn until 6:00 p.m., Monday,  
March 1, 1993. Motion carried.

House adjourned at 8:24 a.m.

John Mercer, Speaker

Marilyn Miller, Chief Clerk



## **FORTY-SIXTH LEGISLATIVE DAY**

Helena, Montana  
March 1, 1993

House Chambers  
State Capitol

House convened at 6:00 p.m. Mr. Speaker in the Chair. Invocation by Representative T. Nelson. Pledge of Allegiance to the Flag.

Roll call. All members present except Benedict, Gilbert, L. Nelson, Simpkins, Squires, excused. Quorum present.

Mr. Speaker: We, your committee on Legislative Administration/Bills and Journal, having examined the daily journal for the forty-second legislative day, find the same to be correct.

Harriet Hayne, Chairman

### **MESSAGES FROM THE SENATE**

Senate bills passed and transmitted to the House for concurrence:

2/24/93

**SB 51**, introduced by Bianchi  
**SB 202**, introduced by Harding  
**SB 284**, introduced by Weldon  
**SB 310**, introduced by Rea  
**SB 329**, introduced by Klampe  
**SB 330**, introduced by Nathe  
**SB 336**, introduced by Yellowtail  
**SB 338**, introduced by Yellowtail  
**SB 339**, introduced by Weeding  
**SB 342**, introduced by Wilson  
**SB 344**, introduced by Waterman  
**SB 347**, introduced by Harp  
**SB 349**, introduced by Christiaens  
**SB 351**, introduced by Weldon  
**SB 371**, introduced by Rye  
**SB 377**, introduced by Bartlett  
**SB 381**, introduced by Forrester  
**SB 387**, introduced by Bianchi  
**SB 392**, introduced by Waterman  
**SB 393**, introduced by Fritz  
**SB 394**, introduced by Harp  
**SB 418**, introduced by Doherty  
**SB 425**, introduced by Brown  
**SJR 26**, introduced by Pipinich

### **MESSAGES FROM THE GOVERNOR**

The Honorable John Mercer  
Speaker of the House  
State Capitol  
Helena, Montana 59620

February 23, 1993

Dear Representative Mercer:

Please be informed that I have signed House Bills 39, 86 and 179 on February 23, 1993.



Sincerely,

MARC RACICOT  
Governor

**FIRST READING AND COMMITMENT  
OF BILLS AND RESOLUTIONS**

The following Senate bills were introduced, read first time, and referred to committee:

**SB 51**, introduced by Bianchi, referred to Committee on Judiciary

**SB 202**, introduced by Harding, Bruski-Maus, Keating, Crippen, Grosfield, Swift, Tveit, Peck, Nathe, Whalen, B. Brown, Kennedy, Rea, Bergman, Rye, Kasten, Bird, Galvin, Menahan, Barnett, Koehnke, Grimes, Molnar, Smith, referred to Committee on Judiciary

**SB 284**, introduced by Weldon, Gilbert (by request of the Department of Health and Environmental Sciences), referred to Committee on Natural Resources

**SB 310**, introduced by Rea, Koehnke, Spring, Beck, Burnett, Lynch, Kasten, Tveit, Nathe, Hertel, Devlin, Crippen, Hibbard, Wallin, M. Hanson, Swift, Bachini, Quilici, Rye, Grosfield, Mesaros, Van Valkenburg, Hager, Larson, Swysgood, DeBruycker, Grinde, Stovall, Zook, Clark, Tash, Bruski-Maus, Vogel, Weeding, Knox, referred to Committee on Agriculture, Livestock, and Irrigation

**SB 329**, introduced by Klampe, referred to Committee on Labor and Employment Relations

**SB 330**, introduced by Nathe (by request of the Board of Public Education), referred to Committee on Education and Cultural Resources

**SB 336**, introduced by Yellowtail, referred to Committee on Judiciary

**SB 338**, introduced by Yellowtail, McCulloch, Wiseman, Raney, Swanson, Barnhart, Strizich, Eck, Rea, Fritz, Elliott, Kadas, Rye, Weldon, Blaylock, Doherty, Halligan, Wilson, Franklin, Toole, Harrington, Weeding, Grimes, referred to Committee on Natural Resources

**SB 339**, introduced by Weeding, Rye, Forrester, Elliott, Yellowtail, Bardanoue, Menahan, Brooke, Toole, Bianchi, Barnhart, J. Johnson, Weldon, referred to Committee on Natural Resources

**SB 342**, introduced by Wilson, Driscoll, referred to Committee on Labor and Employment Relations

**SB 344**, introduced by Waterman, referred to Committee on Judiciary

**SB 347**, introduced by Harp, Towe, Wilson, Kennedy, Lynch, Crippen, Aklestad, Christiaens, Burnett, Keating, Blaylock, Swysgood, Nathe, Devlin, Beck, Van Valkenburg, B. Brown, Halligan, Forrester, Toews, Driscoll, Pavlovich, Daily, Grinde, Hibbard, Mercer, Wagner, Brandewie, Wanzenried, T. Nelson (by request of the State Fund), referred to Select Committee on Workers' Compensation

**SB 349**, introduced by Christiaens, Wilson, Rea, referred to Committee on Business and Economic Development

**SB 351**, introduced by Weldon, Sayles, Halligan, B. Brown, Ream, referred to Committee on Judiciary

**SB 371**, introduced by Rye, referred to Committee on Judiciary

**SB 377**, introduced by Bartlett, referred to Committee on Business and Economic Development

**SB 381**, introduced by Forrester, Harp, Dowell, Squires, Driscoll, referred to Committee on Labor and Employment Relations

**SB 387**, introduced by Bianchi, referred to Committee on Business and Economic Development

**SB 392**, introduced by Waterman, referred to Committee on Judiciary

**SB 393**, introduced by Fritz, Dowell, Dolezal, Weldon, Ryan, Raney, Kadas, Brooke, referred to Committee on Agriculture, Livestock, and Irrigation

**SB 394**, introduced by Harp, Forrester, Stang, Vaughn, Benedict, Hockett, Kennedy, Bruski-Maus, Weeding, Beck, Wagner, Rea, B. Brown, Quilici, Brandewie, Herron, Swysgood, Bachini, Peck, Pavlovich, Gilbert, Bird, Gage, Fritz, Toews, Hertel, Hager, Mesaros, Barnett, Keating, Swift, Aklestad, Koehnke, Tveit, Harding, Nathe, Devlin, Halligan, Yellowtail, referred to Select Committee on Workers' Compensation

**SB 418**, introduced by Doherty (by request of the Senate Judiciary Committee), referred to Committee on Fish and Game

**SB 425**, introduced by B. Brown, Doherty, Rye, Blaylock, Crippen, Grosfield, Yellowtail, Bartlett, Halligan (by request of the Secretary of State), referred to Committee on Judiciary

**SJR 26**, introduced by Pipinich, Pavlovich, Tuss, Strizich, referred to Committee on State Administration

#### ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Representative Grinde moved the House adjourn until 1:00 p.m., Tuesday, March 2, 1993. Motion carried.

House adjourned at 6:11 p.m.

John Mercer, Speaker

Marilyn Miller, Chief Clerk



## **FORTY-SEVENTH LEGISLATIVE DAY**

Helena, Montana  
March 2, 1993

House Chambers  
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Representative Brooke. Pledge of Allegiance to the Flag.

Roll call. All members present except Gilbert, excused. Quorum present.

### **REPORTS OF STANDING COMMITTEES**

BILLS (Hayne, Chairman): 3/2/93  
Correctly printed for second reading: HB 421, HB 427, HB 495, HB 519,  
HB 539.  
Signed by the Speaker at 12:00 p.m., 3/2/93: SB 29, SB 33, SB 198.

### **MESSAGES FROM THE GOVERNOR**

The Honorable John Mercer  
Speaker of the House  
State Capitol  
Helena, Montana 59620

February 24, 1993

Dear Representative Mercer:

Please be informed that I have signed House Bills 99, 137, 159 and 209 on February 24, 1993.

Sincerely,

MARC RACICOT  
Governor

### **SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)**

Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Clark in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 421** - Representative Strizich moved HB 421 do pass. Motion carried as follows:

Ayes: Bardanouve, Barnhart, Bohlinger, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Driscoll, Elliott, Endy, Ewer, Fagg, Foster, Galvin, Gervais, Grimes, Harper, Harrington, Hibbard, J. Johnson, Kadas, Larson, McCarthy, McCulloch, Menahan, T. Nelson, Orr, Pavlovich, Peck, Quilici, Raney, Ream, J. Rice, S. Rice, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Smith, Squires, Stanford, Strizich, Swanson, Toole, Tunby, Tuss, Vogel, Wallin, Winslow, Wiseman, Wyatt, Mr. Speaker.  
Total 58



Noes: Anderson, Bachini, Barnett, Benedict, Bergman, Bergsagel, Bird, Boharski, Brandewie, DeBruycker, Dowell, Ellis, Feland, Fisher, Grady, Grinde, Hansen, H.S. Hanson, M. Hanson, Hayne, Herron, R. Johnson, Kasten, Keller, Knox, Mason, McCaffree, Mills, Molnar, L. Nelson, Peterson, Rehbein, Rose, Simpkins, Spring, Stovall, Tash, Wagner, Wanzenried, Whalen, Zook.  
Total 41

Excused: Gilbert.  
Total 1

Absent or not voting: None.  
Total 0

**HB 495** - Representative Pavlovich moved HB 495, second reading copy, be amended as follows (amendment #1):

1. Page 1, line 21.  
Strike: "\$175"  
Insert: "\$200"

Amendment #1 passed as follows:

Ayes: Bachini, Barnett, Benedict, Bergman, Bergsagel, Bird, Boharski, Brandewie, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, DeBruycker, Dowell, Driscoll, Ellis, Fagg, Galvin, Gervais, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, R. Johnson, Kadas, Larson, Mason, McCarthy, McCulloch, Menahan, Mills, Pavlovich, Peck, Peterson, Quilici, S. Rice, Rose, Ryan, Sayles, Simpkins, Spring, Squires, Stovall, Strizich, Tash, Toole, Vogel, Wagner, Wallin, Whalen, Zook, Mr. Speaker.  
Total 60

Noes: Anderson, Bardanouve, Barnhart, Bohlinger, Cobb, Dolezal, Elliott, Endy, Ewer, Feland, Fisher, Foster, Hibbard, J. Johnson, Kasten, Keller, Knox, McCaffree, Molnar, L. Nelson, T. Nelson, Orr, Raney, Ream, Rehbein, J. Rice, Russell, Schwinden, Schye, Simon, Smith, Stanford, Swanson, Tunby, Tuss, Wanzenried, Winslow, Wiseman, Wyatt.  
Total 39

Excused: Gilbert.  
Total 1

Absent or not voting: None.  
Total 0

Representative Cobb excused at this time.

Representative Elliott moved HB 495, as amended, do pass. Motion failed as follows:

Ayes: Anderson, Bardanouve, Barnhart, Bird, Bohlinger, Brooke, DeBruycker, Dolezal, Dowell, Elliott, Ewer, Foster, Galvin, Hansen, Harper,

Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, McCaffree, Molnar, L. Nelson, T. Nelson, Orr, Peck, Raney, Ream, Rehbein, J. Rice, S. Rice, Ryan, Schwinden, Schye, Simon, Squires, Stanford, Stovall, Swanson, Tunby, Tuss, Winslow.

Total 43

Noes: Bachini, Barnett, Benedict, Bergman, Bergsagel, Boharski, Brandewie, Brown, Clark, Cocchiarella, Daily, Davis, Driscoll, Ellis, Endy, Fagg, Feland, Fisher, Gervais, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Harrington, Hayne, Herron, Knox, Larson, Mason, McCarthy, McCulloch, Menahan, Mills, Pavlovich, Peterson, Quilici, Rose, Russell, Sayles, Simpkins, Smith, Spring, Tash, Toole, Vogel, Wagner, Wallin, Wanzenried, Whalen, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 54

Excused: Cobb, Gilbert.

Total 2

Absent or not voting: Strizich.

Total 1

**HB 519** - Representative Barnhart moved HB 519 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Grady, Grimes, Hansen, H.S. Hanson, Harper, Harrington, Hayne, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Pavlovich, Peck, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 87

Noes: Bergsagel, DeBruycker, Grinde, M. Hanson, Herron, Kasten, Orr, Peterson, Rehbein, Spring, Wagner.

Total 11

Excused: Cobb, Gilbert.

Total 2

Absent or not voting: None.

Total 0

**HB 373** - Representative Kadas moved HB 373 do pass. Motion carried as follows:

Ayes: Anderson, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott,

Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Knox, Larson, Mason, McCaffree, McCarthy, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 91

Noes: Bachini, Kasten, Keller, Peck, Rehbein, Wagner.

Total 6

Excused: Cobb, Gilbert.

Total 2

Absent or not voting: McCulloch.

Total 1

**SB 129** - Representative Vogel moved SB 129 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Swanson, Tash, Toole, Tunby, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 95

Noes: Tuss.

Total 1

Excused: Cobb, Gilbert.

Total 2

Absent or not voting: Cocchiarella, Strizich.

Total 2

**SB 58** - Representative Pavlovich moved SB 58, third reading copy, be amended as follows (amendment #1):

1. Title, line 9.

Following: "MINORS"

Insert: "AND CERTAIN MEMBERS OF THE ARMED FORCES AND THEIR DEPENDENTS"

2. Page 4, line 10.

Following: "(1)"

Insert: "(a)"

3. Page 4, line 20.

Following: line 19

Insert: "(b) Members of the regular armed forces of the United States who are assigned to active duty outside Montana and their dependents, as defined in 15-30-113, who meet the residency requirements of subsection (2), except subsection (2)(a), are considered residents for the purpose of this chapter."

Amendment #1 passed as follows:

Ayes: Anderson, Bachini, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 93

Noes: Bardanouve, Kasten, Ream, Smith, Winslow.

Total 5

Excused: Cobb, Gilbert.

Total 2

Absent or not voting: None.

Total 0

Representative Vogel moved SB 58, as amended, be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Foster, Galvin, Gervais, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 93



Noes: Bardanouve, Dowell, Fisher, Peck, Peterson.  
Total 5

Excused: Cobb, Gilbert.  
Total 2

Absent or not voting: None.  
Total 0

**SB 227** - Representative Driscoll moved SB 227 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 98

Noes: None.  
Total 0

Excused: Cobb, Gilbert.  
Total 2

Absent or not voting: None.  
Total 0

**SB 116** - Representative Benedict moved SB 116 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Clark, DeBruycker, Ellis, Fagg, Feland, Fisher, Foster, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kasten, Keller, Knox, Mason, McCarthy, Mills, L. Nelson, T. Nelson, Orr, Peck, Peterson, Quilici, Rehbein, J. Rice, Sayles, Schwinden, Simon, Simpkins, Smith, Spring, Stovall, Swanson, Tash, Tunby, Vogel, Wagner, Wallin, Winslow, Wiseman, Zook, Mr. Speaker.  
Total 60

Noes: Barnhart, Brooke, Brown, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Endy, Ewer, Galvin, Gervais, Hansen, Harper, Kadas, Larson, McCaffree, McCulloch, Menahan, Molnar, Pavlovich, Raney, Ream,

March 2, 1993

S. Rice, Rose, Russell, Ryan, Schye, Squires, Stanford, Strizich, Toole, Tuss, Wanzenried, Whalen, Wyatt.

Total 38

Excused: Cobb, Gilbert.

Total 2

Absent or not voting: None.

Total 0

**SB 183** - Representative Driscoll moved SB 183 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Mr. Speaker.

Total 95

Noes: Bird.

Total 1

Excused: Cobb, Gilbert.

Total 2

Absent or not voting: Bardanouve, Zook.

Total 2

**SB 89** - Representative R. Johnson moved SB 89 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, Dolezal, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 88

Noes: Barnett, DeBruycker, Dowell, Feland, Gervais, Kasten, Rehbein, Russell, Strizich.

Total 9

Excused: Cobb, Gilbert.

Total 2

Absent or not voting: Bardanoue.

Total 1

**SB 152** - Representative Bohlinger moved SB 152 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanoue, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Grady, Grimes, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 94

Noes: Gervais, Grinde, Peck, Peterson.

Total 4

Excused: Cobb, Gilbert.

Total 2

Absent or not voting: None.

Total 0

**SB 187** - Representative S. Rice moved SB 187 be concurred in. Motion carried as follows:

Ayes: Anderson, Bardanoue, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Grady, Grimes, Hansen, H.S. Hanson, Harper, Harrington, Hibbard, J. Johnson, R. Johnson, Kadas, Knox, Larson, Mason, McCarthy, McCulloch, Menahan, Mills, Orr, Pavlovich, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Mr. Speaker.

Total 77

Noes: Bachini, Bergsagel, DeBruycker, Ellis, Feland, Grinde, M. Hanson, Hayne, Herron, Kasten, Keller, Molnar, L. Nelson, T. Nelson, Peck, Rehbein, Rose, Spring, Vogel, Zook.  
Total 20

Excused: Cobb, Gilbert.  
Total 2

Absent or not voting: McCaffree.  
Total 1

**SB 209** - Representative Molnar moved SB 209 be concurred in. Motion carried as follows:

Ayes: Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 96

Noes: None.  
Total 0

Excused: Cobb, Gilbert.  
Total 2

Absent or not voting: Anderson, Smith.  
Total 2

**SB 234** - Representative Grinde moved consideration of SB 234 be passed for the day. Motion carried.

**SB 175** - Representative Anderson moved SB 175 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Bohlinger, Brandewie, Brooke, Brown, Clark, Daily, DeBruycker, Dolezal, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCarthy, McCulloch, Menahan, Mills, T. Nelson, Orr, Pavlovich, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, Rose, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Stanford, Stovall, Swanson, Tash, Toole, Tunby, Vogel, Wagner, Wallin, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.



Total 80

Noes: Bergsagel, Boharski, Cocchiarella, Davis, Dowell, Galvin, Gervais, McCaffree, Molnar, L. Nelson, Peck, S. Rice, Russell, Ryan, Squires, Strizich, Tuss, Wanzenried.

Total 18

Excused: Cobb, Gilbert.

Total 2

Absent or not voting: None.

Total 0

**SB 188** - Representative Bachini moved SB 188 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Daily, Davis, DeBruycker, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, L. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 88

Noes: Cocchiarella, Dolezal, Dowell, Driscoll, Feland, Molnar, T. Nelson, Raney, Ryan, Whalen.

Total 10

Excused: Cobb, Gilbert.

Total 2

Absent or not voting: None.

Total 0

Representative Grinde moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman Clark moved the adoption of the committee report. Report adopted. (86-7)

### REPORTS OF STANDING COMMITTEES

STATE ADMINISTRATION (Simpkins, Chairman):

3/2/93

**SB 137**, third reading copy, be concurred in. Report adopted.

TAXATION (Gilbert, Chairman):

3/2/93

**HB 640**, introduced bill, do pass. Report adopted.

**HB 641**, introduced bill, be amended as follows:

1. Page 1, line 25 through page 2, line 1.

Strike: "state treasurer"  
Insert: "collecting department"

2. Page 6, line 11.  
Strike: "state treasurer"  
Insert: "department of revenue"

3. Page 7, line 3.  
Page 7, line 5.  
Strike: "deposited"  
Insert: "currently being recorded"

4. Page 7, line 18.  
Strike: "(1)"

5. Page 7, lines 21 through 23.  
Strike: "to the state treasurer on a monthly basis."  
(2) The state treasurer shall deposit"  
Insert: "as follows:  
(1)"

6. Page 8, lines 1 and 2.  
Strike: ".  
(3) The treasurer shall credit"  
Insert: "; and  
(2)"

7. Page 8, line 23.  
Strike: "remitted to the state treasurer to be"

8. Page 31, lines 21 and 22.  
Strike: "turned over promptly to the state treasurer, who shall place the  
money"  
Insert: "placed"

9. Page 35, lines 7 and 8.  
Strike: "turned over promptly to the state treasurer and the state treasurer  
shall place the"

10. Page 35, line 9.  
Strike: "taxes"  
Insert: "placed"

11. Page 35, line 17.  
Strike: "with the state treasurer."

12. Page 35, lines 17 and 18.  
Strike: "The state treasurer shall deposit the funds"

13. Page 36, lines 15 and 16.  
Strike: "with the state treasurer"

14. Page 40, line 12.

Strike: "state treasurer"  
Insert: "department of revenue"

15. Page 41, lines 11 and 12.  
Strike: "state treasurer"  
Insert: "department of revenue"

16. Page 46, lines 8 and 9.  
Page 46, lines 22 and 23.  
Page 47, lines 7 and 8.  
Strike: "paid to the state treasurer and"

And, as amended, do pass. Report adopted.

Adverse Committee Report

2/18/93

**HB 452**, introduced bill, be amended as follows:

1. Title, line 4.  
Following: "PROVIDING"  
Insert: "IN CERTAIN CASES"

2. Page 1, line 14.  
Following: "laws"  
Insert: "when the amount equals or is less than 60% of the original amount  
owed under department calculations"

And, as amended, do not pass.

### MOTIONS

Representative Peck moved HB 278 and HB 348 be taken from the Committee on Education and Cultural Resources and rereferred to the Select Committee on School Funding. Motion carried.

### ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Representative Grinde moved the House adjourn until 1:30 p.m., Wednesday, March 3, 1993. Motion carried.

House adjourned at 2:13 p.m.

John Mercer, Speaker

Marilyn Miller, Chief Clerk

## FORTY-EIGHTH LEGISLATIVE DAY

Helena, Montana  
March 3, 1993

House Chambers  
State Capitol

House convened at 1:30 p.m. Mr. Speaker in the Chair. Invocation by Representative Barnett. Pledge of Allegiance to the Flag.

Roll call. All members present except Gilbert, excused. Quorum present.

Mr. Speaker: We, your committee on Legislative Administration/Bills and Journal, having examined the daily journals for the forty-third, forty-fourth and forty-fifth legislative days, find the same to be correct.

Harriet Hayne, Chairman

### REPORTS OF STANDING COMMITTEES

BILLS (Hayne, Chairman): 3/3/93  
Correctly printed for second reading: HB 640, HB 641.  
Correctly engrossed for third reading: HB 373, HB 421, HB 519, SB 58,  
SB 89, SB 116, SB 129, SB 152, SB 175, SB 183, SB 187, SB 188,  
SB 209, SB 227.

APPROPRIATIONS (Zook, Chairman): 3/2/93  
**HB 278**, introduced bill, do pass. Report adopted.

BUSINESS AND ECONOMIC DEVELOPMENT (Benedict, Chairman): 3/3/93  
**SB 86**, third reading copy, be concurred in. Report adopted.  
**SB 111**, third reading copy, be amended as follows:

1. Page 7, line 13.  
Strike: "OR"

2. Page 7, line 16.  
Following: "DUTIES" on line 16  
Insert: "; or

(j) a person employed on a salaried basis by only one person"

And, as amended, be concurred in. Report adopted.

EDUCATION AND CULTURAL RESOURCES (H. S. Hanson, Chairman): 3/2/93  
**SB 136**, third reading copy, be concurred in. Report adopted.

### ADVERSE COMMITTEE REPORT

**HB 452** - Representative Foster moved the 2/18/93 adverse committee report on HB 452 be adopted.

Representative Harrington made a substitute motion the adverse committee report be not adopted and HB 452 be printed and placed on second reading. Motion failed as follows:



HOUSE JOURNAL  
REGULAR SESSION

Ayes: Bachini, Barnhart, Bird, Brooke, Brown, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Endy, Ewer, Galvin, Gervais, Hansen, Harper, Harrington, Kadas, Larson, McCaffree, McCarthy, McCulloch, Menahan, L. Nelson, Pavlovich, Peck, Quilici, Raney, Ream, S. Rice, Russell, Ryan, Schwinden, Schye, Smith, Squires, Stanford, Strizich, Tuss, Wanzenried, Whalen, Wyatt.

Total 44

Noes: Anderson, Barnett, Benedict, Bergman, Bergsagel, Boharski, Bohlinger, Brandewie, Clark, DeBruycker, Elliott, Ellis, Fagg, Feland, Fisher, Foster, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kasten, Keller, Knox, Mason, Mills, Molnar, T. Nelson, Orr, Peterson, Rehbein, J. Rice, Rose, Sayles, Simon, Simpkins, Spring, Stovall, Swanson, Tash, Toole, Tunby, Vogel, Wagner, Wallin, Winslow, Wiseman, Zook, Mr. Speaker.

Total 54

Excused: Gilbert.

Total 1

Absent or not voting: Bardanouve.

Total 1

Thereupon, the adverse committee report was adopted.

**MESSAGES FROM THE GOVERNOR**

The Honorable John Mercer  
Speaker of the House  
State Capitol  
Helena, Montana 59620

February 25, 1993

Dear Representative Mercer:

Please be informed that I have signed House Bills 160, 161 and 178 on February 25, 1993.

Sincerely,

MARC RACICOT  
Governor

The Honorable John Mercer  
Speaker of the House  
State Capitol  
Helena, Montana 59620

February 26, 1993

Dear Representative Mercer:

Please be informed that I have signed House Bill 96 on February 26, 1993.

Sincerely,

MARC RACICOT  
Governor

**FIRST READING AND COMMITMENT  
OF BILLS AND RESOLUTIONS**

The following House bills were introduced, read first time, and referred to committee:

**HB 656**, introduced by R. Johnson (by request of the Joint Subcommittee on Education and Cultural Resources), referred to Committee on Appropriations

**HB 657**, introduced by Fisher, Peterson (by request of the Joint Subcommittee on General Government and Transportation), referred to Committee on Appropriations

**MOTIONS**

Representative Kasten excused at this time.

Representative Elliott moved the House reconsider its action on HB 495 taken on second reading the previous legislative day. Motion carried as follows: (65-32)

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Ewer in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 53** - Representative Benedict moved Governor's amendments to HB 53 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 97

Noes: Gervais.  
Total 1

Voted Absentee: Kasten, Aye.

Excused: Gilbert.

Total 1

Absent or not voting: McCulloch.

Total 1

**HB 44** - Representative Driscoll moved consideration of HB 44 be placed below HB 58 on the second reading board. Motion carried.

**HB 18** - Representative R. Johnson moved Senate amendments to HB 18 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, L. Nelson, T. Nelson, Orr, Pavlovich, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 93

Noes: Bergsagel, Bird, Feland, Molnar, Rehbein.

Total 5

Voted Absentee: Kasten, Aye.

Excused: Gilbert.

Total 1

Absent or not voting: Peck.

Total 1

**HB 49** - Representative Dolezal moved Senate amendments to HB 49 be concurred in. Motion failed as follows:

Ayes: Bachini, Bardanouve, Barnhart, Bergman, Bird, Brooke, Brown, Cocchiarella, Daily, Dolezal, Dowell, Driscoll, Endy, Ewer, Fagg, Galvin, Hansen, Harper, Harrington, J. Johnson, Kadas, Larson, McCaffree, McCarthy, McCulloch, Menahan, L. Nelson, Quilici, Raney, Ream, S. Rice, Rose, Ryan, Schwinden, Schye, Smith, Squires, Stanford, Strizich, Swanson, Toole, Tuss, Wanzenried, Whalen, Wyatt.

Total 45

Noes: Anderson, Barnett, Benedict, Bergsagel, Boharski, Bohlinger, Brandewie, Clark, Cobb, Davis, DeBruycker, Elliott, Ellis, Feland, Fisher, Foster, Gervais, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne,

Herron, Hibbard, R. Johnson, Kasten, Keller, Knox, Mason, Mills, Molnar, T. Nelson, Orr, Pavlovich, Peck, Peterson, Rehbein, J. Rice, Russell, Sayles, Simon, Simpkins, Spring, Stovall, Tash, Tunby, Vogel, Wagner, Wallin, Winslow, Wiseman, Zook, Mr. Speaker.

Total 54

Voted Absentee: Kasten, No.

Excused: Gilbert.

Total 1

Absent or not voting: None.

Total 0

Representative Driscoll assumed the Chair at this time.

**HB 58** - Representative Keller moved Senate amendments to HB 58 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Clark, Cobb, Daily, Davis, DeBruycker, Driscoll, Elliott, Ellis, Endy, Ewer, Feland, Fisher, Foster, Galvin, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, Menahan, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peterson, Quilici, Ream, Rehbein, J. Rice, S. Rice, Rose, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Zook, Mr. Speaker.

Total 81

Noes: Barnhart, Brandewie, Brooke, Brown, Cocchiarella, Dolezal, Dowell, Gervais, Hansen, McCulloch, Peck, Raney, Russell, Ryan, Tuss, Wyatt.

Total 16

Voted Absentee: Kasten, Aye.

Excused: Gilbert.

Total 1

Absent or not voting: Fagg, Mills.

Total 2

**HB 44** - Representative Ewer moved Senate amendments to HB 44 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas,



Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 98

Noes: Boharski.  
Total 1

Voted Absentee: Kasten, Aye.

Excused: Gilbert.  
Total 1

Absent or not voting: None.  
Total 0

**HB 169** - Representative Ewer moved Senate amendments to HB 169 be not concurred. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Foster, Galvin, Gervais, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook.  
Total 95

Noes: Fisher, Hansen.  
Total 2

Excused: Gilbert, Kasten.  
Total 2

Absent or not voting: Mr. Speaker.  
Total 1

Representative Ewer resumed the Chair at this time.

**HB 197** - Representative Quilici moved Senate amendments to HB 197 be concurred in. Motion carried as follows:

Ayes: Bachini, Bardanouve, Barnett, Barnhart, Bergman, Bird, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal,

Dowell, Driscoll, Elliott, Endy, Ewer, Fagg, Foster, Galvin, Gervais, Grady, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, L. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Zook, Mr. Speaker.  
Total 81

Noes: Anderson, Bergsagel, Boharski, DeBruycker, Ellis, Feland, Fisher, Grimes, Grinde, R. Johnson, Molnar, T. Nelson, Rehbein, J. Rice, Simon, Wagner.  
Total 16

Voted Absentee: Kasten, Aye.

Excused: Gilbert.  
Total 1

Absent or not voting: Benedict, Wyatt.  
Total 2

Representative Grinde moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman Ewer moved the adoption of the committee report. Report adopted. (92-1)

### REPORTS OF STANDING COMMITTEES

AGRICULTURE, LIVESTOCK, AND IRRIGATION (Keller, Chairman):

3/2/93

**SB 279**, third reading copy, be concurred in. Report adopted.

**SB 328**, third reading copy, be concurred in. Report adopted.

### MOTIONS

Representative Benedict moved SB 51 be taken from the Committee on Judiciary and rereferred to the Committee on Business and Economic Development. Motion carried.

### ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Representative Grinde moved the House adjourn until 1:30 p.m., Thursday, March 4, 1993. Motion carried.

House adjourned at 2:30 p.m.

John Mercer, Speaker

Marilyn Miller, Chief Clerk



## FORTY-NINTH LEGISLATIVE DAY

Helena, Montana  
March 4, 1993

House Chambers  
State Capitol

House convened at 1:30 p.m. Mr. Speaker in the Chair. Invocation by Representative Russell. Pledge of Allegiance to the Flag.

Roll call. All members present except Toole, excused. Quorum present.

Mr. Speaker: We, your committee on Legislative Administration/Bills and Journal, having examined the daily journals for the forty-sixth, forty-seventh and forty-eighth legislative days, find the same to be correct.

Harriet Hayne, Chairman

### REPORTS OF STANDING COMMITTEES

BILLS (Hayne, Chairman): 3/4/93  
Correctly printed for second reading: HB 278.

BUSINESS AND ECONOMIC DEVELOPMENT (Benedict, Chairman): 3/4/93  
**SB 132**, third reading copy, be concurred in. Report adopted.

EDUCATION AND CULTURAL RESOURCES (H. S. Hanson, Chairman): 3/4/93  
**SB 178**, third reading copy, be concurred in. Report adopted.  
**SB 250**, third reading copy, be concurred in. Report adopted.

FISH AND GAME (Foster, Chairman): 3/3/93  
**SB 355**, third reading copy, be concurred in. Report adopted.  
**SJR 2**, third reading copy, be concurred in. Report adopted.

JUDICIARY (Fagg, Chairman): 3/4/93  
**SB 93**, third reading copy, be concurred in. Report adopted.  
**SB 109**, third reading copy, be concurred in. Report adopted. 3/3/93  
**SB 140**, third reading copy, be concurred in. Report adopted. 3/3/93

### MESSAGES FROM THE SENATE

House bills concurred in and returned to the House: 3/3/93

**HB 93**, introduced by Ewer  
**HB 111**, introduced by Simpkins  
**HB 297**, introduced by McCarthy

House bills concurred in as amended and returned to the House for concurrence in Senate amendments: 3/3/93

**HB 43** , introduced by McCulloch  
**HB 104**, introduced by Rose



**FIRST READING AND COMMITMENT  
OF BILLS AND RESOLUTIONS**

The following House bills were introduced, read first time, and referred to committee:

**HB 658**, introduced by Schwinden, Bardanouve, Grinde, Jergeson, Bergsagel, Bachini, Schye, Feland, Hayne, Keller, Rehbein, Brenden, Toews, Weeding, Crippen, Rea, L. Nelson, referred to Committee on Taxation

**HB 659**, introduced by Peterson (by request of the Joint Subcommittee on General Government and Transportation), referred to Committee on Appropriations

**HB 660**, introduced by Peterson (by request of the Joint Subcommittee on General Government and Transportation), referred to Committee on Appropriations

**MOTIONS**

Representative Strizich moved consideration of HB 421 be passed for the day. Motion carried.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Ellis in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 495** - Representative Elliott moved HB 495, second reading copy, be amended as follows (amendment #1):

1. Page 1, line 11.

Following: "person"

Insert: "who is engaged primarily in the business of providing meals with table service and who is"

Amendment #1 passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 96

Noes: Boharski, Gervais, Rehbein.

Total 3

Excused: Toole.

Total 1

Absent or not voting: None.

Total 0

Representative Pavlovich moved HB 495, second reading copy, be further amended (amendment #2). Amendment #2 failed as follows: (37-62)

Representative Elliott moved HB 495, as amended, do pass. Motion carried as follows:

Ayes: Anderson, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Bohlinger, Brooke, Cocchiarella, Davis, DeBruycker, Dolezal, Dowell, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gilbert, Grimes, Grinde, Hansen, M. Hanson, Harper, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Knox, Mason, McCaffree, McCulloch, Mills, Molnar, L. Nelson, T. Nelson, Orr, Peck, Peterson, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Stanford, Stovall, Strizich, Swanson, Tash, Tunby, Tuss, Wagner, Wanzenried, Winslow, Wyatt, Zook, Mr. Speaker.  
Total 74

Noes: Bachini, Bergsagel, Boharski, Brandewie, Brown, Clark, Cobb, Daily, Driscoll, Gervais, Grady, H.S. Hanson, Harrington, Hayne, Larson, McCarthy, Menahan, Pavlovich, Quilici, Squires, Vogel, Wallin, Wiseman.  
Total 23

Excused: Toole.

Total 1

Absent or not voting: Keller, Whalen.

Total 2

**HB 428** - Representative Bardanouve moved consideration of HB 428 be placed at the bottom of the second reading board. Motion carried.

**HB 539** - Representative Brown moved HB 539 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gilbert, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream,

Rehbein, J. Rice, S. Rice, Rose, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 94

Noes: Bergsagel, Gervais, Russell.

Total 3

Excused: Toole.

Total 1

Absent or not voting: Hansen, J. Johnson.

Total 2

**HB 640** - Representative Driscoll moved HB 640 do pass. Motion carried as follows:

Ayes: Anderson, Bardanoue, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 96

Noes: Bachini, Peck.

Total 2

Excused: Toole.

Total 1

Absent or not voting: Simpkins.

Total 1

**HB 641** - Representative Foster moved HB 641 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanoue, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose,

Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 99

Noes: None.  
Total 0

Excused: Toole.  
Total 1

Absent or not voting: None.  
Total 0

**SB 137** - Representative Barnhart moved SB 137 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Swanson, Tash, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 96

Noes: None.  
Total 0

Excused: Toole.  
Total 1

Absent or not voting: Ellis, McCarthy, Strizich.  
Total 3

**SB 146** - Representative J. Rice moved SB 146 be concurred in. Motion carried as follows:

Ayes: Anderson, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles,



Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 96

Noes: Bachini, Peck, Peterson.  
Total 3

Excused: Toole.  
Total 1

Absent or not voting: None.  
Total 0

**SB 234** - Representative Gilbert moved SB 234 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Daily, Davis, DeBruycker, Dolezal, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Gervais, Gilbert, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Harper, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Tunby, Tuss, Vogel, Wagner, Wallin, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 91

Noes: Cocchiarella, Dowell, Galvin, Harrington, Peck, Wanzenried, Whalen.  
Total 7

Excused: Toole.  
Total 1

Absent or not voting: Hansen.  
Total 1

**HB 428** - Representative Bardanouve moved HB 428, second reading copy, be amended as follows (amendment #1):

1. Title, line 5.  
Strike: "FOR 2 YEARS"

2. Title, line 7.  
Strike: "SECTION"  
Insert: "SECTIONS 3 AND"

3. Page 1, line 12.  
Strike: "a 2-year"  
Insert: "an"

4. Page 1, line 21.

Following: line 20

Insert: "Section 1. Section 3, Chapter 638, Laws of 1991, is amended to read:

"Section 3. Repealer. (H) Section 7, Chapter 554, Laws of 1987, and sections 2 and 5, Chapter 155, Laws of 1989, MCA, are repealed.

~~(2) Sections 33-2-712 and 33-2-713, MCA, are repealed."~~

Renumber: subsequent sections

5. Page 1, line 23.

Strike: "dates"

Insert: "date"

Strike: "(1)"

6. Page 1, line 24.

Strike: "(1)"

7. Page 1, line 25.

Strike: "(2)" through "30,"

Strike: "1995."

Amendment #1 passed as follows:

Ayes: Bardanouve, Barnhart, Brooke, Brown, Davis, Dolezal, Dowell, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Galvin, Grady, Grimes, Hansen, H.S. Hanson, Harper, Harrington, Hibbard, J. Johnson, Kadas, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Quilici, Raney, Ream, J. Rice, S. Rice, Ryan, Schwinden, Schye, Squires, Stanford, Strizich, Swanson, Tash, Tunby, Tuss, Wallin, Wanzenried, Whalen, Wiseman, Wyatt.

Total 50

Noes: Anderson, Bachini, Barnett, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Clark, Cobb, Cocchiarella, Daily, DeBruycker, Driscoll, Feland, Foster, Gervais, Gilbert, Grinde, M. Hanson, Hayne, Herron, R. Johnson, Kasten, Keller, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Rehbein, Rose, Russell, Sayles, Simon, Simpkins, Smith, Spring, Stovall, Vogel, Wagner, Winslow, Zook, Mr. Speaker.

Total 49

Excused: Toole.

Total 1

Absent or not voting: None.

Total 0

Representative Harper moved HB 428, as amended, do pass. Motion carried as follows:

Ayes: Bardanouve, Barnhart, Bergman, Bird, Bohlinger, Brooke, Brown, Cocchiarella, Daily, Davis, Dolezal, Dowell, Elliott, Endy, Ewer, Fagg,

Fisher, Galvin, Gervais, Grady, Grimes, Grinde, Hansen, H.S. Hanson, Harper, Harrington, Hibbard, J. Johnson, R. Johnson, Kadas, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Pavlovich, Quilici, Raney, Ream, J. Rice, S. Rice, Russell, Ryan, Sayles, Schwinden, Schye, Smith, Squires, Stanford, Strizich, Swanson, Tash, Tunby, Tuss, Wallin, Wanzenried, Whalen, Wiseman, Wyatt.

Total 61

Noes: Anderson, Bachini, Barnett, Benedict, Bergsagel, Boharski, Brandewie, Clark, Cobb, DeBruycker, Driscoll, Ellis, Feland, Foster, Gilbert, M. Hanson, Hayne, Herron, Kastan, Keller, Mills, Molnar, L. Nelson, T. Nelson, Orr, Peck, Peterson, Rehbein, Rose, Simon, Simpkins, Spring, Stovall, Vogel, Wagner, Winslow, Zook, Mr. Speaker.

Total 38

Excused: Toole.

Total 1

Absent or not voting: None.

Total 0

Representative Grinde moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman Ellis moved the adoption of the committee report. Report adopted. (83-14)

Representative Schwinden excused at this time.

### **MOTIONS**

Representative Grinde moved the Speaker be authorized to appoint a conference committee to meet with a like committee from the Senate to confer on Senate amendments to HB 49. Motion carried.

Representative Grinde moved the Speaker be authorized to appoint a free conference committee to meet with a like committee from the Senate to confer on HB 169. Motion carried.

### **ANNOUNCEMENTS**

Committee meetings were announced by committee chairmen.

Representative Grinde moved the House adjourn until 1:00 p.m., Friday, March 5, 1993. Motion carried.

House adjourned at 3:03 p.m.

John Mercer, Speaker

Marilyn Miller, Chief Clerk

## FIFTIETH LEGISLATIVE DAY

Helena, Montana  
March 5, 1993

House Chambers  
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Representative Peterson. Pledge of Allegiance to the Flag.

Roll call. All members present except S. Rice, excused. Quorum present.

Mr. Speaker: We, your committee on Legislative Administration/Bills and Journal, having examined the daily journal for the forty-ninth legislative day, find the same to be correct.

Harriet Hayne, Chairman

### REPORTS OF STANDING COMMITTEES

BILLS (Hayne, Chairman): 3/5/93  
Correctly engrossed for third reading: HB 428, HB 495, HB 539, HB 640,  
HB 641, SB 137, SB 146, SB 234.  
Delivered to the Governor for his approval at 2:49 p.m., 3/3/93: HB 180.

AGRICULTURE, LIVESTOCK, AND IRRIGATION (Keller, Chairman): 3/4/93  
**SB 259**, third reading copy, be concurred in. Report adopted.  
**SB 369**, third reading copy, be concurred in. Report adopted.

APPROPRIATIONS (Zook, Chairman): 3/4/93  
**HB 525**, introduced bill, be amended as follows:

1. Page 4, line 5.  
Strike: "\$25,000"  
Insert: "\$40,000"

2. Page 4, line 20.  
Strike: "\$25,000"  
Insert: "\$40,000"

3. Page 4, line 23.  
Strike: "\$33,000"  
Insert: "\$10,000"

4. Page 4, line 25.  
Following: "."  
Insert: "The allocation must be from funds available after the supreme  
court administrator has paid expenses specified in 3-5-901."

5. Page 4.  
Following: line 25  
Insert: "(c) If the amount available for allocation under subsection (3)(b) is  
less than \$10,000, there is appropriated to the legislative council  
from funds collected pursuant to 61-3-509(2) that are not  
appropriated for district court expenses, as provided in 3-5-901, an  
amount not to exceed \$10,000 for the purpose of conducting the  
study in [section 4]. The sum of the allocation in subsection (3)(b)



and the appropriation in this subsection (c) may not exceed \$10,000."

6. Page 5, line 1.

Strike: "appropriation"

Insert: "appropriations"

7. Page 5, lines 3 through 23.

Strike: section 6 in its entirety

Renumber: subsequent sections

And, as amended, do pass. Report adopted.

**HB 564**, introduced bill, do pass. Report adopted.

**HB 574**, introduced bill, do pass. Report adopted.

LOCAL GOVERNMENT (Wallin, Chairman):

3/5/93

**SB 25**, third reading copy, be concurred in. Report adopted.

**SB 159**, third reading copy, be concurred in and be placed on the consent calendar. Report adopted.

**SB 273**, third reading copy, be concurred in and be placed on the consent calendar. Report adopted.

STATE ADMINISTRATION (Simpkins, Chairman):

3/4/93

**SB 84**, third reading copy, be amended as follows:

1. Title, line 5.

Following: "TO"

Insert: "THE JURISDICTION AND"

2. Title, line 8.

Following: "1-5-408,"

Insert: "1-5-415,"

3. Page 2, line 2.

Strike: "10"

Insert: "11"

4. Page 2, line 5.

Strike: "10"

Insert: "11"

5. Page 5, line 8.

Strike: "6"

Insert: "7"

6. Page 5.

Following: line 9

Insert: "(3) Subject to the provisions of [section 5], notarial acts performed within Montana by notarial officers of bordering states have the same effect as if performed by a notarial officer of Montana."

Renumber: subsequent subsection

7. Page 5.

Following: line 12

Insert: "NEW SECTION. Section 5. Reciprocity of notarial acts.

(1) A Montana notarial officer may perform a notarial act in a bordering state if the state recognizes the officer's authority within the state.

(2) A notarial act performed in Montana by a notarial officer of a bordering state has the same effect under Montana law as if the act were performed by a Montana notarial officer, provided that the bordering state grants Montana's notarial officers similar authority within the bordering state."

Renumber: subsequent sections

8. Page 6, line 2.

Strike: "6"

Insert: "7"

9. Page 9, line 6.

Strike: "9"

Insert: "10"

10. Page 9, line 21.

Strike: "8(1)"

Insert: "9(1)"

11. Page 12, line 12.

Strike: "9"

Insert: "10"

12. Page 12, line 15.

Strike: "9"

Insert: "10"

13. Page 14.

Following: line 7

Insert: "Section 18. Section 1-5-415, MCA, is amended to read:

"1-5-415. ~~Statewide jurisdiction~~ Jurisdiction. The ~~jurisdiction of notaries public shall be coextensive with the boundaries of the state, irrespective of their place of residence within the state.~~ Every ~~A~~ person receiving a commission as notary public ~~shall have~~ has jurisdiction to perform ~~his~~ the person's official duties and acts in every county of the state of Montana irrespective of the person's place of residence within the state. A notary public may perform notarial acts outside Montana pursuant to [section 5]."

Renumber: subsequent sections

And, as amended, be concurred in. Report adopted.

**SB 142**, third reading copy, be concurred in. Report adopted.

**SB 147**, third reading copy, be amended as follows:

1. Title, line 14.

Strike: "FOR BALLOT ISSUES"

2. Title, line 16.

Following: "STATE;"

Insert: "REVISING THE CONTENT OF THE VOTER INFORMATION  
PAMPHLET;"

3. Title, line 18.

Following: "13-2-115,"

Insert: "13-27-401,"

4. Page 2, line 13.

Strike: "when possible"

Insert: "if available on electronic media"

5. Page 6.

Following: line 25

Insert: "Section 4. Section 13-27-401, MCA, is amended to read:

"13-27-401. Voter information pamphlet. (1) The secretary of state shall prepare for printing a voter information pamphlet containing the following information for each ballot issue to be voted on at an election, as applicable:

(a) ballot title, fiscal statement if applicable, and complete text of the issue;

(b) the form in which the issue will appear on the ballot;

(c) arguments advocating approval and rejection of the issue; and

(d) rebuttal arguments.

(2) The pamphlet ~~shall~~ must also contain a notice advising the recipient where additional copies of the pamphlet may be obtained.

(3) Whenever more than one ballot issue is to be voted on at a single election, the secretary of state may publish a single pamphlet for all of the ballot issues. The secretary of state may arrange the information in the order which seems most appropriate, but the information for all issues in the pamphlet shall be presented in the same order.

(4) The pamphlet must also contain the name, address, and phone number, filed with the secretary of state as of the 75th day before the election, for each candidate for any office filled by a statewide vote of registered electors."

Renumber: subsequent sections

6. Page 7, line 6.

Strike: "for all ballot issues"

7. Page 7, lines 7 and 8.

Strike: "at" on line 7 through "submitted" on line 8

And, as amended, be concurred in. Report adopted.

**SB 190**, third reading copy, be concurred in. Report adopted.

**SJR 8**, third reading copy, be concurred in. Report adopted.

March 5, 1993

**SJR 12**, third reading copy, be concurred in. Report adopted.

**MESSAGES FROM THE SENATE**

House bills concurred in and returned to the House:

3/4/93

**HB 153**, introduced by Bardanouve

**HB 247**, introduced by Ewer

**HB 250**, introduced by Ream

**HB 292**, introduced by Larson

**HB 298**, introduced by Bird

**HB 300**, introduced by Swanson

**HJR 12**, introduced by Wallin

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Swanson in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

Representative S. Rice present at this time.

**HB 278** - Representative Bardanouve moved HB 278 do pass. Motion carried as follows:

Ayes: Anderson, Bardanouve, Barnett, Barnhart, Bergman, Bird, Boharski, Brandewie, Brooke, Brown, Cobb, Cocchiarella, Daily, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Fisher, Foster, Galvin, Gervais, Grady, Grinde, Hansen, H.S. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Knox, Mason, McCarthy, McCulloch, Menahan, Mills, L. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Spring, Stanford, Stovall, Strizich, Swanson, Tunby, Tuss, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 75

Noes: Bachini, Benedict, Bergsagel, Bohlinger, Clark, Davis, Ewer, Fagg, Feland, Gilbert, Grimes, M. Hanson, Keller, Larson, McCaffree, Molnar, T. Nelson, Rehbein, Simon, Simpkins, Smith, Squires, Tash, Toole, Vogel.

Total 25

Excused: None.

Total 0

Absent or not voting: None.

Total 0



Representative Grinde moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman Swanson moved the adoption of the committee report. Report adopted. (76-20)

### THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 373** passed as follows:

Ayes: Anderson, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 95

Noes: Bachini, Kasten, Peck, Rehbein, Smith.  
Total 5

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 421** passed as follows:

Ayes: Bardanouve, Barnhart, Bergman, Bohlinger, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Galvin, Gervais, Grinde, Harper, Harrington, Hibbard, J. Johnson, Kadas, McCarthy, McCulloch, Menahan, Pavlovich, Quilici, Raney, Ream, J. Rice, S. Rice, Russell, Ryan, Schwinden, Schye, Simon, Squires, Stanford, Stovall, Strizich, Swanson, Toole, Tuss, Wallin, Wanzenried, Whalen, Winslow, Wiseman.  
Total 52

Noes: Anderson, Bachini, Barnett, Benedict, Bergsagel, Bird, Boharski, Brandewie, Cobb, DeBruycker, Feland, Fisher, Foster, Gilbert, Grady, Grimes, Hansen, H.S. Hanson, M. Hanson, Hayne, Herron, R. Johnson, Kasten, Keller, Knox, Larson, Mason, McCaffree, Mills, Molnar, L. Nelson, T. Nelson, Orr, Peck, Peterson, Rehbein, Rose, Sayles, Simpkins, Smith, Spring, Tash, Tunby, Vogel, Wagner, Wyatt, Zook, Mr. Speaker.  
Total 48

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 519** passed as follows:

Ayes: Anderson, Bachini, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Grady, Grimes, Hansen, H.S. Hanson, Harper, Harrington, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Pavlovich, Peck, Quilici, Raney, Ream, J. Rice, S. Rice, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 85

Noes: Bergsagel, DeBruycker, Gilbert, Grinde, M. Hanson, Hayne, Herron, Kasten, Orr, Peterson, Rehbein, Rose, Smith, Spring.

Total 14

Excused: None.

Total 0

Absent or not voting: Bardanouve.

Total 1

**SB 58** concurred in as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 97

Noes: Fisher, Peck, Peterson.

Total 3

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 89** concurred in as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 95

Noes: Feland, Kasten, Peck, Smith.

Total 4

Excused: None.

Total 0

Absent or not voting: Daily.

Total 1

**SB 116** concurred in as follows:

Ayes: Anderson, Bardanouve, Barnett, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brown, Clark, DeBruycker, Elliott, Ellis, Fagg, Feland, Fisher, Foster, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kasten, Keller, Knox, Larson, Mason, McCarthy, McCulloch, Menahan, Mills, L. Nelson, T. Nelson, Orr, Peterson, Quilici, Rehbein, J. Rice, Rose, Sayles, Schwinden, Simon, Simpkins, Smith, Spring, Stovall, Swanson, Tash, Toole, Tunby, Vogel, Wagner, Wallin, Winslow, Wiseman, Zook, Mr. Speaker.

Total 66

Noes: Bachini, Barnhart, Brooke, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Endy, Ewer, Galvin, Gervais, Harper, Harrington, Kadas, McCaffree, Molnar, Pavlovich, Peck, Raney, Ream, S. Rice, Russell, Ryan, Schye, Squires, Stanford, Strizich, Tuss, Wanzenried, Whalen, Wyatt.

Total 34

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 129** concurred in as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 99

Noes: None.  
Total 0

Excused: None.  
Total 0

Absent or not voting: Hibbard.  
Total 1

**SB 152** concurred in as follows:

Ayes: Anderson, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Foster, Galvin, Gervais, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 90

Noes: Bergsagel, Feland, Gilbert, Herron, Peck, Peterson, Spring.  
Total 7

Excused: None.  
Total 0

Absent or not voting: Bachini, Bardanouve, Fisher.  
Total 3



**SB 175** concurred in as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Daily, DeBruycker, Dolezal, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCarthy, McCulloch, Menahan, Mills, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Sayles, Schwinden, Schye, Simon, Simpkins, Spring, Squires, Stanford, Stovall, Swanson, Tash, Toole, Tunby, Vogel, Wagner, Wallin, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 86

Noes: Boharski, Cocchiarella, Davis, Dowell, Galvin, McCaffree, Molnar, L. Nelson, Russell, Ryan, Smith, Strizich, Tuss, Wanzenried.

Total 14

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 183** concurred in as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 98

Noes: Bird, Gilbert.

Total 2

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 187** concurred in as follows:

Ayes: Barnett, Barnhart, Benedict, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Elliott, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Grady, Grimes, Hansen, H.S. Hanson, Harper, Harrington, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, T. Nelson, Orr, Pavlovich, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Mr. Speaker.

Total 79

Noes: Anderson, Bachini, Bardanoue, Bergsagel, DeBruycker, Driscoll, Ellis, Feland, Gilbert, Grinde, M. Hanson, Hayne, Kasten, Molnar, L. Nelson, Peck, Peterson, Rehbein, Spring, Zook.

Total 20

Excused: None.

Total 0

Absent or not voting: Bergman.

Total 1

**SB 188** concurred in as follows:

Ayes: Anderson, Bachini, Bardanoue, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Daily, Davis, DeBruycker, Dowell, Elliott, Ellis, Endy, Fagg, Fisher, Foster, Galvin, Grady, Hansen, H.S. Hanson, M. Hanson, Harrington, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, L. Nelson, Orr, Pavlovich, Peck, Quilici, Ream, Rehbein, J. Rice, S. Rice, Rose, Sayles, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 79

Noes: Clark, Cobb, Cocchiarella, Dolezal, Driscoll, Ewer, Feland, Gervais, Gilbert, Grimes, Grinde, Harper, Hayne, Molnar, T. Nelson, Peterson, Raney, Russell, Ryan, Schwinden, Schye.

Total 21

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 209** concurred in as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 100

Noes: None.  
Total 0

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 227** concurred in as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 99

Noes: None.  
Total 0

Excused: None.  
Total 0

Absent or not voting: Mason.  
Total 1

**HB 18**, Senate amendments, concurred in as follows:

Ayes: Anderson, Bardanouve, Barnhart, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Galvin, Gervais, Gilbert, Grady, Grimes, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, T. Nelson, Orr, Pavlovich, Quilici, Raney, Ream, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 83

Noes: Bachini, Barnett, Bergsagel, DeBruycker, Driscoll, Feland, Foster, Grinde, Herron, Kasten, Molnar, L. Nelson, Peck, Peterson, Rehbein, J. Rice.

Total 16

Excused: None.

Total 0

Absent or not voting: Benedict.

Total 1

**HB 44**, Senate amendments, concurred in as follows:

Ayes: Anderson, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 98

Noes: Bachini, Boharski.

Total 2

Excused: None.

Total 0

Absent or not voting: None.

Total 0



**HB 53**, Governor's amendments, concurred in as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Mason, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Russell, Ryan, Sayles, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 93

Noes: Driscoll, Gervais, Schwinden, Schye.

Total 4

Excused: None.

Total 0

Absent or not voting: Larson, McCaffree, Rose.

Total 3

**HB 58**, Senate amendments, concurred in as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brooke, Brown, Clark, Cobb, Daily, Davis, DeBruycker, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gilbert, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peterson, Quilici, Rehbein, J. Rice, S. Rice, Rose, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Stanford, Stovall, Swanson, Tash, Tunby, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Zook, Mr. Speaker.

Total 77

Noes: Barnhart, Brandewie, Cocchiarella, Dolezal, Dowell, Driscoll, Gervais, Grady, Hansen, Harper, Harrington, Kadas, McCulloch, Peck, Raney, Ream, Russell, Ryan, Squires, Strizich, Toole, Tuss, Wyatt.

Total 23

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 197**, Senate amendments, concurred in as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 91

Noes: Bergsagel, Boharski, DeBruycker, Feland, Fisher, R. Johnson, Molnar, Rehbein, Sayles.

Total 9

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**UNFINISHED BUSINESS**

Mr. Speaker asked for the unanimous consent of the House to appoint a regular conference committee, rather than the free conference committee requested on the 49th legislative day, for HB 169. That consent expressed, Mr. Speaker appointed the following members to the conference committee on HB 169:

Representative Wallin, Chairman

Representative Ewer

Representative Vogel

Mr. Speaker appointed the following members to the conference committee on HB 49:

Representative Simon, Chairman

Representative Dolezal

Representative Brandewie

**ANNOUNCEMENTS**

Committee meetings were announced by committee chairmen.

Representative Grinde moved the House adjourn until 10:00 a.m., Saturday, March 6, 1993. Motion carried.

HOUSE JOURNAL  
REGULAR SESSION

House adjourned at 1:56 p.m.

John Mercer, Speaker

Marilyn Miller, Chief Clerk

## **FIFTY-FIRST LEGISLATIVE DAY**

Helena, Montana  
March 6, 1993

House Chambers  
State Capitol

House convened at 10:00 a.m. Mr. Speaker in the Chair. Invocation by Representative J. Johnson. Pledge of Allegiance to the Flag.

Roll call. All members present except Brooke, Hansen, Hibbard, Rehbein, Ryan, Sayles, Swanson, excused. Quorum present.

Mr. Speaker introduced this week's pages:

Rachel S. Spence, Polson (permanent page)  
Tony Bruski, Billings  
Melissa Regester, Bigfork  
Jessie Walrath, Deer Lodge  
Curtis Crippen, Butte  
Jeremy Johnson, Deer Lodge  
Truxton Rolfe, Helena  
Eric Melone, Great Falls  
Eric Nelson, Columbia Falls

### Honorary Pages

Amanda Beard  
Meagan Flynn  
Michael Flies  
Lacy Foster  
Brad Foster

## **SPECIAL ORDERS OF THE DAY**

After being presented to the members of the House by Speaker Mercer, United States Senator Conrad Burns was escorted to the rostrum by Representatives DeBruycker, M. Hanson, Quilici, and Wyatt and delivered the following address:

STATEMENT OF SENATOR CONRAD BURNS  
Before the Montana House of Representatives  
March 6, 1993

It is great to be home and I am very honored to have the opportunity to share some time with you.

You, the members of this prestigious body, represent your communities in the best of Montana traditions.

For citizen legislators, these are not easy days. The challenges are numerous and very complex. So, today, I congratulate each and every one of you for accepting that challenge.

Today, we live in historical and exciting times -- America in transition or at another fork in the road.

That should not alarm us; our history is a series of transitions and many forks in many roads.



I would have to suggest, though, that we are living in a time where events happen with the speed of light and the world is smaller, and it is getting smaller with each passing year. I would also conclude that there is much more at stake.

Saying that, it is incumbent that we, the elected representatives, give a true assessment to our citizens of who we are as a society, where we are, our condition and our direction.

The national debate does not differ from that being waged here in these chambers. Our economy, our present fiscal condition, health care, employment and economic opportunities are issues under consideration.

The area of health care is a much more complex problem than appears on its face. I know that you are working on passing a health care bill for Montana, so I know that you understand just how difficult and contentious this issue really is.

It seems that for many Americans, getting sick is something they can no longer afford to do.

I am a member of the Republican Health Care Task Force and since 1990, like Senator Baucus, have had a task force here in Montana advising me on the issue.

Health care has three components.

Folks want medical care fast, they want it to be good, and they want it at a reasonable cost. What we hear from some of our policy makers is that all is possible, but in reality, you and I know, only two of the three components are possible. Take two, the third is impossible.

If health care is good and fast, as it is now, the costs are high. If it is good and cheap, as in Canada, delivery is slow. And if it is fast and cheap, quality suffers.

We need to decide what we are willing to sacrifice, if anything, and work together toward that goal. It will not be easy.

In all the discussions, there is no Congressional agreement between or within the two major political parties on the direction of health care reform.

It is time, however, for us to reach across party lines to get this issue taken care of. I think that we're on the right track with a comprehensive health care bill that I have cosponsored with Republican Senators Nancy Kassebaum and Jack Danforth and Democratic Congressmen Dan Glickman and David McCurdy.

This legislation is called BasiCare because it would establish a package of basic health care benefits that every insurer would have to offer and that every American would carry.

BasiCare may not hold all the answers, but it is something we've put into the process for discussion. The President's Health Care Task Force, headed up by the First Lady, will be looking at every option. I look forward to working with President Clinton on this difficult issue.

Another area that has great implications for Montana is the President's economic program.

The delicate task of stimulating our economy while tackling the budget deficit is not an easy one. Even if Moses brought down the ten commandments for long-term economic stability, I doubt that many in Congress would embrace him warmly.

But I commend President Clinton for bringing this issue to the forefront and for putting an economic program on the table. His objectives are right on target. I am concerned, however, that when you look at the specifics of his program, which relies more heavily on tax increases than on spending reductions, we'll find that there isn't enough ammo in there to hit the established target after all.

Frankly, I would like to see more legitimate reductions in federal spending. The spending reductions in the President's plan are weighted heavily against the defense budget. President Clinton proposes to cut defense by \$60 billion more than the amount President Bush had already ordered. This will end up being a decline in defense spending of 23 percent by 1998.

I feel that this severe reduction will literally cut the heart out of our military at a time in world history when caution should be the word for the day.

With the fall of the Soviet Union and the end of the Cold War, a false sense of security has set in, but I want to remind you that this is still a dangerous world. China is pursuing germ warfare; Ukraine, which has not signed off on the nuclear proliferation treaty, may be on the verge of transferring a nuclear missile delivery system to China; powers in the Middle East are working diligently to achieve nuclear capability; and we can't write off the instability in Russia, a major nuclear power, which very well may not see democracy through.

I'm also concerned about the energy taxes. I understand why the President selected a broad based energy tax, but let's face it: Increased energy taxes will hit large, rural, energy producing and agricultural states, like Montana, very hard.

Not only are our residents going to take a hit because we have longer distances to drive and because we have colder, longer winters than most, but we're also in for trouble since we are a state where a large part of our economy is based on energy production. Coal, gas, hydro-electric -- they will all feel the economic impact of increased energy taxes.

In fact, the Clinton taxes will have a major impact on coal prices and it is weighted against Western coal as compared to Eastern coal. Furthermore, it will affect hydro-electric power, which eastern states don't have.

And, let's look at what it does for agriculture, our state's number one industry. Farmers rank fifth among all user categories in consumption of energy. It's estimated that the energy tax could add \$600 million in operating costs for farmers.

Additionally, under the Clinton package, America's farmers will see \$8 billion in federal spending cuts and additional user fees over the next four years. It's clear that agriculture is being asked to do more than their fair share.

All this, coupled with increased mining fees, increased grazing fees, changes in current below cost timber sales policy and the like, adds up to trouble for Western states and trouble for Montana's economy. This will impact jobs, impact revenues and impact the way the Legislature will deal with the issues already on its plate.

Now, I recognize just how difficult it is to come up with a balanced proposal where all are asked to make equitable sacrifices. Unfortunately, the package before us has a much more drastic impact on states like Montana.

It is imperative that we work with the President in arriving at a more balanced approach for dealing with the deficit. My comments about the President's economic package are intended to be constructive. If the President is successful, then the country will be successful. If the country is successful, then Montana will be successful. If Montana is successful, then the job for the Legislature will be that much easier.

Issues besides the economy, however, will challenge our state in the coming year. Since Montana has a natural resource based economy, there will be a number of legislative proposals discussed this year that impact us directly -- reauthorization of the Endangered Species Act, the Clean Water Act, mining reform, and possibly the Resource Conservation and Recovery Act (RCRA), to name a few.

Again, we will need to work with the President and his Cabinet in hopes of achieving balance. It makes good sense to implement reasonable regulations to protect the environment. At the same time, we want to ensure that there is a reasonable opportunity to use our natural resources.

While we are working on these areas, Montana must also look toward the future and begin to diversify our economy. One of the opportunities we have for economic diversification is through universal access to a broadband telecommunications infrastructure like fiber optic technology.

In recent years, remarkable strides have been made in telecommunications technology. Advances in our ability to process, transmit and use information are occurring almost daily.

Because of the implications of fiber optics for a state like Montana, I have been working to promote the use of it as well as other advanced telecommunications technologies.

Telecommunications can help us solve many areas -- strengthen our economy, improve health care, enhance educational opportunities for our citizens.

In the area of business, fiber optics will enable the workers of Montana to tap into the workplace of the world.

On the health care side, fiber optic technology makes it possible to turn telephone lines into two-way, interactive consultations with a doctor hundreds of miles away.

We can also use this technology to keep our small schools open because fiber optics make it possible for smaller schools to share resources with our larger schools.

While there are many exciting and innovative projects underway, there is a great need for statewide coordination and planning. That's why I've been actively involved with former Governor Stephens and Governor Racicot in creating a Montana Telecommunications Advisory Council. The Council will help develop a comprehensive vision of what Montana's communications infrastructure should look like and how we should get there.

As you continue your hard work for the state of Montana, you have a difficult task ahead. Challenges looming on the horizon will have a profound economic impact on the state.

In the face of these challenges, we must work together to meet our objectives. Balancing the environment with the economy has never been an easy task. But I pledge to you my cooperation and assistance in this effort and on all the difficult issues that face us. I will be meeting with members of the Natural Resources and Agriculture Committees this afternoon to find out from you what we should be doing at the federal level on a number of these matters.

With your help, we can meet the challenges ahead and work together to forge an even brighter future for our state.

Thank you very much.

Representatives DeBruycker, M. Hanson, Guilici, and Wyatt escorted Senator Burns from the House Chamber.

## REPORTS OF STANDING COMMITTEES

BILLS (Hayne, Chairman):

3/6/93

Correctly printed for second reading: HB 525, HB 564, HB 574.

Correctly engrossed for third reading: HB 278.

Signed by the Speaker at 3:00 p.m., 3/6/93: SB 161.

BUSINESS AND ECONOMIC DEVELOPMENT (Benedict, Chairman):

3/5/93

**SB 241**, third reading copy, be concurred in and be placed on the consent calendar. Report adopted.



**SB 372**, third reading copy, be concurred in. Report adopted.

**SB 390**, third reading copy, be amended as follows:

1. Title, line 9.

Following: "BUILDING"

Insert: "; AND PROVIDING FOR COMPLIANCE BY EXISTING PREMISES  
WHEN AN ALTERATION TO THE PREMISES IS MADE"

2. Page 1, line 13.

Following: "establishments."

Insert: "(1)"

3. Page 1.

Following: line 20

Insert: "(2) A licensee whose premises did not meet the requirements of this section on September 24, 1992, shall meet the requirements when an alteration to the premises has been completed and the department has approved the alteration. An alteration is any structural change in a premises. A cosmetic change, such as painting, carpeting or other interior decorating, is not considered an alteration under this section."

And, as amended, be concurred in. Report adopted.

JUDICIARY (Fagg, Chairman):

3/5/93

**SB 108**, third reading copy, be amended as follows:

1. Page 4, lines 8 and 9.

Strike: "costs associated with records requests under this section"

Insert: "the cost of supplying the copies"

And, as amended, be concurred in. Report adopted.

**SB 193**, third reading copy, be concurred in. Report adopted.

LABOR AND EMPLOYMENT RELATIONS (T. Nelson, Chairman): 3/5/93

**SB 160**, third reading copy, be amended as follows:

1. Page 1, line 13.

Following: line 12

Insert: "(1) For purposes of this section, "lawful product" means a product that is legally consumed, used, or enjoyed and includes food, beverages, and tobacco."

Following: "subsections"

Strike: "(2) and (3)"

Insert: "(3) and (4)"

Re-number: subsequent subsections

2. Page 1, line 20.

Strike: "(1)"

Insert: "(2)"

3. Page 5, line 5.

Following: "reason"

Insert: ", unless the employer acts within the provisions of [section 1(3) or (4)]"

And, as amended, be concurred in. Report adopted.

**SB 184**, third reading copy, be amended as follows:

1. Title, lines 6 through 8.

Following: ";" on line 6

Strike: the remainder of line 6 through ";" on line 8

2. Page 4, line 14.

Following: "~~minor~~"

Insert: "or a parent or guardian of the person performing the services in the case of a minor"

3. Page 4, line 15.

Following: "~~and~~"

Insert: "the person performing the services and"

And, as amended, be concurred in. Report adopted.

**SB 207**, third reading copy, be concurred in. Report adopted.

**SB 270**, third reading copy, be concurred in. Report adopted.

STATE ADMINISTRATION (Simpkins, Chairman):

3/5/93

**SB 169**, third reading copy, be amended as follows:

1. Page 3, lines 2 and 3.

Strike: "ensure" on line 2 through "museum" on line 3

Insert: "guarantee the rights of the Montana law enforcement museum that were established in the December 14, 1989, lease between the Powell County museum and arts foundation and the Montana law enforcement museum."

And, as amended, be concurred in. Report adopted.

**SJR 26**, third reading copy, be concurred in. Report adopted.

TAXATION (Gilbert, Chairman):

3/5/93

**HB 436**, introduced bill, be amended as follows:

1. Page 1, line 21.

Following: "treatment."

Insert: "It is further intended that the rules clarifying the definition and use of air and water pollution control equipment establish a procedure to apportion the value of multipurpose equipment into that used for production and other purposes and that used for pollution control."

2. Page 2, line 22.

Following: "means"

Insert: "that portion of"

3. Page 2, line 24.

Strike: "and"

Insert: "under construction, or"

4. Page 2, line 25.

Strike: "exclusively"

5. Page 3, line 15.

Following: "in"

Insert: "substantial"

6. Page 3, line 17.

Strike: "a"

Insert: "substantial"

7. Page 4, line 3.

Following: "report"

Insert: "continuous acts or patterns of"

Following: "noncompliance"

Insert: "at a facility"

8. Page 4, line 4.

Following: "revenue."

Insert: "Casual or isolated incidents of noncompliance at a facility do not affect certification."

9. Page 6, line 10.

Strike: "-- rulemaking"

10. Page 6, line 11.

Strike: "(1)"

11. Page 6, line 12.

Strike: "1993"

Insert: "1994"

12. Page 6, lines 13 through 17.

Strike: subsection (2) in its entirety

And, as amended, do pass. Report adopted.

**HB 588**, introduced bill, be amended as follows:

1. Title, line 9.

Strike: "ALL CONSERVATION ASSESSMENTS"

Insert: "THE SPECIAL ADMINISTRATIVE ASSESSMENT"

2. Page 1, line 16.

Following: "(1)"

Insert: "(a)"

3. Page 1, line 19.

Strike: "\$20,000"

Insert: "the amount determined under subsection (1)(b)"

4. Page 1.

Following: line 23

Insert: "(b) The annual levy authorized by this section may not exceed the difference between the amount raised by the annual mill levy authorized under 76-15-515 and \$20,000."

5. Page 9, lines 24 and 25.

Following: "section 11" on line 24

Strike: " "

Insert: "and"

Strike: ", 76-15-515, and 76-15-516(3)" on lines 24 and 25

Following: "district" on line 25

Insert: "special administrative"

And, as amended, do pass. Report adopted.

**HB 616**, introduced bill, be amended as follows:

1. Title, lines 9 through 14.

Strike: "DETERMINING" on line 9 through "MCA;" on line 14

2. Page 1, line 24 through page 2, line 9.

Following: "million" on page 1, line 24

Strike: remainder of line 24 through "bill" on page 2, line 9

3. Page 2, line 20.

Following: "."

Insert: "The methods described in the clean coal V application for production of electric power provide for a process that will operate with or without the successful demonstration of the MHD technology."

4. Page 3, lines 8 and 9.

Following: "means" on line 8

Strike: remainder of line 8 through "and" on line 9

Insert: "a consortium of private companies"

5. Page 4, line 1.

Strike: "any"

6. Page 4, lines 2 and 3.

Strike: "interest" on line 2

Insert: "interests"

Following: "technology" on line 2

Strike: remainder of line 2 through "possessed" on line 3

7. Page 5, line 24.

Strike: "award"

Insert: "selection"



8. Page 6, line 1.

Strike: "at least \$100 million"

Insert: "an award"

9. Page 6, line 22.

Following: "accrue"

Insert: "and be capitalized"

Following: "to"

Insert: "taxable"

10. Page 7, line 8.

Strike: "0.05%"

Insert: "0.5%"

11. Page 7, lines 10 through 13.

Following: "(b)" on line 10

Strike: remainder of line 10 through "the" on line 13

Insert: "(i) The"

12. Page 7, lines 13 through 15.

Following: "shall" on line 13

Strike: remainder of line 13 through "taxes," on line 15

13. Page 7, line 17.

Following: "power"

Insert: "upon the occurrence of the first of the following:

(A) the beginning of the 17th year after the loan agreement is signed by the parties;

(B) repayment obligations to senior debt creditors have been satisfied; or

(C) changes in the price of electricity sold as a result of project operations, changes in expenses paid as a result of project operations, or changes in other financial factors cause net cash flow to be greater than that projected to be available after making periodic payments to senior debt creditors and the appropriate allowance for taxes"

Following: "."

Insert: "(ii)"

Following: "made"

Insert: ", when there is sufficient cash flow available after the appropriate allowance for the payment of taxes,"

14. Page 8, line 5.

Strike: "If"

Insert: "Except as provided in subsection (10), if"

15. Page 8, line 14.

Following: "be"

Insert: "first"

16. Page 8, line 15.

Following: "loan"

Insert: ", then to any interest accumulated on the principal"

17. Page 10, line 6.

Strike: "all"

18. Page 10, line 14.

Following: the second "project"

Insert: "and to meet its repayment obligations to creditors"

19. Page 10, line 25 through page 11, line 1.

Following: "obligations" on page 10, line 25

Strike: remainder of page 10, line 25 through "of" on page 11, line 1

Insert: "extend beyond"

20. Page 11, line 7.

Strike: "disbursement"

Insert: "semiannual"

Strike: "semiannual"

21. Page 11, lines 15 and 16.

Following: "to" on line 15

Strike: "the same"

Following: "requirements" on line 15

Strike: remainder of line 15 through "applicable to" on line 16

Insert: "established by the department. The requirements may not be less than those imposed upon"

22. Page 11, line 23.

Following: "transaction"

Insert: "or the absence of any transaction"

23. Page 12, line 23.

Strike: "and the MHD development corporation"

24. Page 12, line 24.

Strike: "they consider"

Insert: "it considers"

25. Page 13, line 11 through page 21, line 4.

Strike: sections 4 through 6 in their entirety

Renumber: subsequent section

And, as amended, do pass. Report adopted.

**HB 627**, introduced bill, be amended as follows:

1. Page 2, line 17.

Strike: "incompetent"

Insert: "who refused"

Following: "deed"

Insert: "because the party is incapable of contracting, as provided in 28-2-201, or is otherwise legally incompetent to execute a quitclaim deed"

2. Page 2, line 20.

Following: "15,"

Insert: "chapter 18, part 4,"

And, as amended, do pass. Report adopted.

**SB 206**, third reading copy, be concurred in. Report adopted.

#### **MESSAGES FROM THE SENATE**

House bills concurred in and returned to the House:

3/5/93

**HB 22**, introduced by Menahan

**HB 24**, introduced by J. Rice

**HB 35**, introduced by Brown

**HB 122**, introduced by Anderson

**HB 125**, introduced by Vogel

**HB 127**, introduced by Peck

**HB 223**, introduced by Grinde

**HB 289**, introduced by Hibbard

**HB 291**, introduced by Hibbard

**HB 312**, introduced by Foster

**HB 377**, introduced by Barnett

House bill concurred in as amended and returned to the House for  
concurrence in Senate amendments:

3/5/93

**HB 203**, introduced by Larson

Senate bill passed and transmitted to the House for concurrence:

3/5/93

**SB 322**, introduced by Tveit

#### **MESSAGES FROM THE GOVERNOR**

The Honorable John Mercer

March 5, 1993

Speaker of the House

State Capitol

Helena, Montana 59620

Dear Representative Mercer:

Please be informed that I have signed House Bill 180 on March 5, 1993.

Sincerely,

MARC RACICOT

Governor

#### **FIRST READING AND COMMITMENT OF BILLS AND RESOLUTIONS**

The following House bills were introduced, read first time, and referred to  
committee:

**HB 662**, introduced by Peterson (by request of the Joint Subcommittee on General Government and Transportation), referred to Committee on Appropriations

**HB 663**, introduced by Harper, Towe (by request of the Department of Commerce), referred to Committee on Appropriations

The following Senate bill was introduced, read first time, and referred to committee:

**SB 322**, introduced by Tveit, Toews, Hockett, Bruski-Maus, Nathe, Hayne, Zook (by request of the Department of Transportation), referred to Committee on Taxation

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Anderson in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**SB 86** - Representative Pavlovich moved SB 86 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Grady, Grimes, H.S. Hanson, M. Hanson, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Mr. Speaker.  
Total 92

Noes: Brown, Clark, Feland, Gilbert, Grinde.  
Total 5

Voted Absentee: Brooke, Hibbard, Rehbein, Ryan, Sayles, Swanson, Ayes.

Excused: Hansen.  
Total 1

Absent or not voting: Harper, Zook.  
Total 2

**SB 111** - Representative Brandewie moved SB 111 be concurred in. Motion carried as follows:



Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, J. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Mr. Speaker.

Total 92

Noes: Feland, Gilbert, McCaffree, Rehbein, S. Rice, Toole.

Total 6

Voted Absentee: Brooke, Hibbard, Ryan, Sayles, Swanson, Ayes; Rehbein, No.

Excused: Hansen.

Total 1

Absent or not voting: Zook.

Total 1

Representative Hansen present at this time.

**SB 136** - Representative Davis moved SB 136 be concurred in. Motion failed as follows:

Ayes: Brown, Daily, Davis, Dolezal, Dowell, Driscoll, Endy, Galvin, H.S. Hanson, Harrington, Hibbard, McCaffree, McCarthy, McCulloch, Menahan, Molnar, L. Nelson, Pavlovich, Quilici, Raney, Ream, Sayles, Schye, Squires, Stanford, Strizich, Swanson, Tash, Whalen, Wyatt.

Total 30

Noes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Clark, Cobb, Cocchiarella, DeBruycker, Elliott, Ellis, Ewer, Fagg, Feland, Fisher, Foster, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, M. Hanson, Harper, Hayne, Herron, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, Mills, T. Nelson, Orr, Peck, Peterson, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Schwinden, Simon, Simpkins, Smith, Spring, Stovall, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Winslow, Wiseman, Zook, Mr. Speaker.

Total 70

Voted Absentee: Hibbard, Sayles, Swanson, Ayes; Brooke, Rehbein, Ryan, Noes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 279** - Representative Tash moved SB 279 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 99

Noes: Fisher.

Total 1

Voted Absentee: Brooke, Hibbard, Rehbein, Ryan, Sayles, Swanson, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 328** - Representative Rose moved SB 328 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schye, Simon, Simpkins, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 93

Noes: Bardanouve, Dowell, Rehbein, Schwinden, Vogel.

Total 5

Voted Absentee: Brooke, Hibbard, Ryan, Sayles, Swanson, Ayes; Rehbein, No.

Excused: None.

Total 0

Absent or not voting: Peterson, Smith.

Total 2

**HB 43** - Representative McCulloch moved Senate amendments to HB 43 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Hayne, Herron, Hibbard, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, Orr, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Smith, Spring, Squires, Stanford, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt.

Total 85

Noes: Daily, DeBruycker, Feland, Gilbert, Harrington, J. Johnson, T. Nelson, Pavlovich, Peck, Peterson, Rehbein, Simpkins, Stovall, Zook.

Total 14

Voted Absentee: Brooke, Hibbard, Ryan, Sayles, Swanson, Ayes; Rehbein, No.

Excused: None.

Total 0

Absent or not voting: Mr. Speaker.

Total 1

**HB 104** - Representative Rose moved Senate amendments to HB 104 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Grady, Grimes, Hansen, H.S. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 94

Noes: Bergsagel, Bird, Gilbert, Grinde, M. Hanson, Rehbein.  
Total 6

Voted Absentee: Brooke, Hibbard, Ryan, Sayles, Swanson, Ayes; Rehbein, No.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 109** - Representative Vogel moved SB 109 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Grady, Grimes, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, Kadas, Keller, Knox, Larson, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 92

Noes: DeBruycker, Gilbert, Grinde, R. Johnson, Kasten, Mason, Peck.  
Total 7

Voted Absentee: Brooke, Hibbard, Rehbein, Ryan, Swanson, Ayes.

Excused: Sayles.  
Total 1

Absent or not voting: None.  
Total 0

**SB 132** - Representative Larson moved SB 132 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream,



Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 95

Noes: Boharski, DeBruycker, Feland.

Total 3

Voted Absentee: Brooke, Hibbard, Rehbein, Ryan, Swanson, Ayes.

Excused: Sayles.

Total 1

Absent or not voting: Harper.

Total 1

**SB 140** - Representative J. Rice moved SB 140 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Stanford, Stovall, Swanson, Tash, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 91

Noes: Bardanouve, Driscoll, Gervais, Menahan, Squires, Strizich, Toole, Whalen.

Total 8

Voted Absentee: Brooke, Hibbard, Rehbein, Ryan, Swanson, Ayes.

Excused: Sayles.

Total 1

Absent or not voting: None.

Total 0

**SB 178** - Representative Herron moved SB 178 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper,

Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 98

Noes: Bardanouve.

Total 1

Voted Absentee: Brooke, Hibbard, Rehbein, Ryan, Swanson, Ayes.

Excused: Sayles.

Total 1

Absent or not voting: None.

Total 0

**SB 250** - Representative McCulloch moved SB 250 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnhart, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Grimes, Hansen, Harper, Harrington, Herron, Hibbard, Kadas, Larson, McCaffree, McCarthy, McCulloch, Menahan, Mills, L. Nelson, Pavlovich, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Russell, Ryan, Schwinden, Schye, Simon, Simpkins, Squires, Stanford, Strizich, Swanson, Toole, Tunby, Tuss, Vogel, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Mr. Speaker.

Total 66

Noes: Barnett, Benedict, Bergsagel, Brown, Clark, Cobb, DeBruycker, Feland, Gilbert, Grady, Grinde, H.S. Hanson, M. Hanson, Hayne, J. Johnson, R. Johnson, Kasten, Keller, Knox, Mason, Molnar, T. Nelson, Orr, Peck, Rehbein, Rose, Smith, Spring, Stovall, Tash, Wagner, Wallin, Zook.

Total 33

Voted Absentee: Brooke, Hibbard, Ryan, Swanson, Ayes; Rehbein, No.

Excused: Sayles.

Total 1

Absent or not voting: None.

Total 0

**SB 355** - Representative Brandewie moved SB 355 be concurred in. Motion carried as follows:

Ayes: Bardanouve, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Cocchiarella, Daily, Dolezal, Dowell, Ellis, Endy, Ewer, Fisher, Foster, Grady, Grimes, Grinde, H.S. Hanson, Harrington, Hayne, Herron, Hibbard, Kadas, Keller, Larson, McCarthy, Menahan, Mills, Molnar, Pavlovich, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Schye, Simon, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Wallin, Wanzenried, Whalen, Wiseman, Wyatt, Zook.

Total 62

Noes: Anderson, Bachini, Barnett, Barnhart, Bergsagel, Clark, Cobb, Davis, DeBruycker, Driscoll, Elliott, Fagg, Feland, Galvin, Gervais, Gilbert, Hansen, M. Hanson, Harper, J. Johnson, R. Johnson, Kasten, Knox, Mason, McCaffree, McCulloch, L. Nelson, T. Nelson, Orr, Peck, Schwinden, Simpkins, Smith, Vogel, Wagner, Winslow.

Total 36

Voted Absentee: Brooke, Hibbard, Rehbein, Ryan, Swanson, Ayes.

Excused: Sayles.

Total 1

Absent or not voting: Mr. Speaker.

Total 1

**SB 93** - Representative Smith moved SB 93 be concurred in.

Representative Brown made a substitute motion SB 93, third reading copy, be amended (amendment #1). Amendment #1 failed as follows: (36-54)

Representative Smith moved her original motion that SB 93 be concurred in. Motion failed as follows:

Ayes: Anderson, Bachini, Bardanouve, Bergman, Clark, Driscoll, Fagg, Fisher, Gilbert, Grady, Harrington, Hibbard, R. Johnson, L. Nelson, Peck, Ream, J. Rice, S. Rice, Schwinden, Smith, Swanson, Tash, Vogel, Wallin, Wiseman.

Total 25

Noes: Barnett, Barnhart, Benedict, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Elliott, Ellis, Endy, Ewer, Feland, Foster, Galvin, Gervais, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Hayne, Herron, J. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, T. Nelson, Orr, Pavlovich, Peterson, Quilici, Raney, Rehbein, Rose, Russell, Ryan, Schye, Simon, Simpkins, Spring, Squires, Stanford, Stovall, Strizich, Toole, Tunby, Tuss, Wagner, Wanzenried, Whalen, Winslow, Wyatt, Zook, Mr. Speaker.

Total 74

Voted Absentee: Hibbard, Swanson, Ayes; Brooke, Rehbein, Ryan, Noes.

Excused: Sayles.

Total 1

Absent or not voting: None.

Total 0

Representative Grinde moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman Anderson moved the adoption of the committee report.

Representative Bardanouve made a substitute motion SB 93 be segregated from the Committee of the Whole report and the remainder of the report be adopted. Motion failed. (31-60)

Thereupon, the committee report was adopted. (73-21)

### **ANNOUNCEMENTS**

Committee meetings were announced by committee chairmen.

Representative Grinde moved the House adjourn until 1:00 p.m., Monday, March 8, 1993. Motion carried.

House adjourned at 12:06 p.m.

John Mercer, Speaker

Marilyn Miller, Chief Clerk





## FIFTY-SECOND LEGISLATIVE DAY

Helena, Montana  
March 8, 1993

House Chambers  
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Representative Tash. Pledge of Allegiance to the Flag.

Roll call. All members present except Gilbert, Wyatt, excused. Quorum present.

### REPORTS OF STANDING COMMITTEES

BILLS (Hayne, Chairman): 3/8/93  
Correctly printed for second reading: HB 436, HB 588, HB 616, HB 627.  
Correctly engrossed for third reading: SB 86, SB 109, SB 111, SB 132, SB 140, SB 178, SB 250, SB 279, SB 328, SB 355.

APPROPRIATIONS (Zook, Chairman): 3/8/93  
**HB 401**, introduced bill, do pass. Report adopted.

EDUCATION AND CULTURAL RESOURCES (H. S. Hanson, Chairman): 3/8/93  
**SB 306**, third reading copy, be concurred in. Report adopted.  
**SB 307**, third reading copy, be concurred in. Report adopted.

HIGHWAYS AND TRANSPORTATION (Clark, Chairman): 3/6/93  
**SJR 17**, third reading copy, be amended as follows:

1. Title, line 19.

Following: ";

Insert: "REQUESTING AN EXAMINATION OF THE CONCEPT OF  
CONSTRUCTING A HIGHWAY OF INTERSTATE QUALITY  
BETWEEN BILLINGS AND GREAT FALLS;"

2. Page 3, line 1.

Following: "cities"

Insert: "; and

WHEREAS, the highway system between Billings and Great Falls has the potential to greatly enhance the economic vitality of both communities and the state in general; and

WHEREAS, without substantial upgrades to the existing highway system between Billings and Great Falls, the state risks forfeiting significant improvements to the Montana transportation system and the potential economic benefits attendant to a highly useable transportation system between two of the state's largest urban and economic centers that stand as gateways to other economic centers"

3. Page 4.

Following: line 8

Insert: "BE IT FURTHER RESOLVED, that the Legislature urge the Department of Transportation to examine the concept of constructing or reconstructing the highways leading most directly between Billings and Great Falls, including consideration of the most efficient and effective means of upgrading the Billings-Great Falls highways to be substantially the same quality as the state's

interstate highways. The Department's consideration of the upgrade should include but should not be limited to a cost estimate, a construction schedule, and the means of finance. The Department is requested to prepare a written report encompassing the Legislature's requests and to make the report available to the Legislature on or before December 1, 1994."

And, as amended, be concurred in. Report adopted.

HUMAN SERVICES AND AGING (Boharski, Chairman): 3/8/93  
**SB 312**, third reading copy, be concurred in. Report adopted.

JUDICIARY (Fagg, Chairman): 3/5/93  
**SB 117**, third reading copy, be amended as follows:

1. Page 3, lines 15 and 16.

Strike: "If" on line 15 through end of line 16

2. Page 3, lines 17 and 18.

Strike: "SHALL" on line 17 through "court" on line 18

3. Page 3, lines 19 and 20.

Strike: "to assist" on line 19 through "controversy" on line 20

Strike: "." on line 20

4. Page 4, line 22.

Strike: "AND"

5. Page 5, line 1.

Following: "and"

Insert: "; and

(4) knowledge of the mediation process"

And, as amended, be concurred in. Report adopted.

**SB 125**, third reading copy, be amended as follows:

1. Title, line 21.

Strike: "46-16-107,"

2. Page 9, line 7.

Strike: "All"

Insert: "Each"

Strike: "costs"

Insert: "cost"

3. Page 9, line 9.

Strike: "INITIATING the investigation"

Insert: "whose action created the cost, unless another governmental entity agrees to or by law is required to bear the cost"

4. Page 29, line 11.

Strike: "48"

Insert: "47"

5. Page 45, lines 8 through 12.  
Strike: section 36 in its entirety  
Renumber: subsequent sections

6. Page 62, lines 14 and 16.  
Strike: "48"  
Insert: "47"

And, as amended, be concurred in. Report adopted.

**SB 194**, third reading copy, be amended as follows:

1. Page 2, line 16.  
Following: "~~department.~~"  
Insert: "The department may adopt rules allowing it to order part of a person's employment income to be used to pay restitution, fines, and child or spousal support."

And, as amended, be concurred in. Report adopted.

STATE ADMINISTRATION (Simpkins, Chairman): 3/8/93  
**SJR 19**, third reading copy, be concurred in. Report adopted.  
**SJR 22**, third reading copy, be concurred in. Report adopted.  
**SJR 27**, third reading copy, be concurred in. Report adopted.

### MESSAGES FROM THE SENATE

Senate bill passed and transmitted to the House for concurrence: 3/6/93  
**SB 316**, introduced by Towe

### FIRST READING AND COMMITMENT OF BILLS AND RESOLUTIONS

The following House bill was introduced, read first time, and referred to committee:

**HB 664**, introduced by Harper, Daily, Pavlovich, Dolezal, Driscoll, Molnar, referred to Committee on Taxation

The following Senate bill was introduced, read first time, and referred to committee:

**SB 316**, introduced by Towe, Harper, referred to Committee on Local Government



**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Kadas in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**SJR 2** - Representative Molnar moved SJR 2, third reading copy, be amended as follows (amendment #1):

1. Page 3, line 11.

Strike: "report"

Insert: "make"

2. Page 3, line 13.

Following: ","

Insert: "available"

3. Page 3, lines 14 and 15.

Strike: "during" on line 14 through "Legislature" on line 15

Insert: "on or before December 1, 1994"

Amendment #1 passed as follows:

Ayes: Anderson, Bachini, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Zook.

Total 95

Noes: None.

Total 0

Excused: Gilber, Wyatt.

Total 2

Absent or not voting: Bardanouve, Peck, Mr. Speaker.

Total 3

Representative Hibbard moved SJR 2, as amended, be concurred in. Motion failed as follows:

Ayes: Barnhart, Benedict, Bird, Boharski, Brown, Cocchiarella, Daily, Davis, Dolezal, Dowell, Elliott, Endy, Fagg, Foster, Galvin, Gervais, Grady, Grimes, M. Hanson, Harper, Harrington, Hibbard, J. Johnson, Kadas, Larson, Mason, McCarthy, McCulloch, Menahan, Pavlovich, Quilici, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Schwinden, Schye, Squires, Stanford, Strizich, Swanson, Toole, Tunby, Tuss, Whalen.

Total 47

Noes: Anderson, Bachini, Bardanouve, Barnett, Bergman, Bergsagel, Bohlinger, Brandewie, Brooke, Clark, Cobb, DeBruycker, Driscoll, Ellis, Ewer, Feland, Fisher, Grinde, Hansen, H.S. Hanson, Hayne, Herron, R. Johnson, Kasten, Keller, Knox, McCaffree, Mills, Molnar, L. Nelson, T. Nelson, Orr, Peck, Peterson, Raney, Rehbein, Sayles, Simon, Simpkins, Smith, Spring, Stovall, Tash, Vogel, Wagner, Wallin, Wanzenried, Winslow, Wiseman, Zook.

Total 50

Excused: Gilbert, Wyatt.

Total 2

Absent or not voting: Mr. Speaker.

Total 1

**SB 67** - Representative Raney moved Governor's amendments to SB 67 be concurred in. Motion carried as follows:

Ayes: Anderson, Bardanouve, Barnett, Barnhart, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 94

Noes: Bachini, Bergsagel, Feland, Rehbein.

Total 4

Voted Absentee: Wyatt, Aye.

Excused: Gilbert.

Total 1

Absent or not voting: Benedict.

Total 1

Representative Gilbert present at this time.

**HB 564** - Representative Bergsagel moved consideration of HB 564 be passed for the day. Motion carried.

**HB 574** - Representative J. Rice moved HB 574 do pass. Motion carried as follows:

Ayes: Anderson, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Bohlinger, Brandewie, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wallin, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 91

Noes: Bachini, Bergsagel, Boharski, Cobb, Feland, Grinde, Rehbein, Wagner, Wanzenried.

Total 9

Voted Absentee: Wyatt, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 525** - Representative J. Rice moved HB 525 do pass. Motion carried as follows:

Ayes: Anderson, Bardanouve, Barnett, Barnhart, Bergman, Bird, Boharski, Bohlinger, Brooke, Clark, Cocchiarella, Davis, Dolezal, Ellis, Endy, Ewer, Fagg, Foster, Gervais, Grady, Grimes, Hansen, M. Hanson, Harper, Hayne, Hibbard, J. Johnson, Kadas, Keller, Knox, Larson, McCarthy, McCulloch, Menahan, T. Nelson, Orr, Quilici, Ream, J. Rice, S. Rice, Russell, Ryan, Schwinden, Schye, Simon, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tuss, Vogel, Wallin, Whalen, Winslow, Wiseman, Wyatt, Mr. Speaker.

Total 60

Noes: Bachini, Benedict, Bergsagel, Brandewie, Brown, Cobb, Daily, DeBruycker, Dowell, Driscoll, Elliott, Feland, Fisher, Galvin, Gilbert, Grinde, H.S. Hanson, Harrington, Herron, R. Johnson, Kasten, Mason, McCaffree, Mills, Molnar, L. Nelson, Pavlovich, Peck, Peterson, Raney, Rehbein, Rose, Sayles, Simpkins, Smith, Spring, Wagner, Wanzenried.

Total 38

Voted Absentee: Wyatt, Aye.

Excused: None.  
Total 0

Absent or not voting: Tunby, Zook.  
Total 2

**SB 25** - Representative Peterson moved SB 25 be concurred in. Motion carried as follows:

Ayes: Anderson, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 95

Noes: Bachini, Bergsagel, Feland, Grinde, Vogel.  
Total 5

Voted Absentee: Wyatt, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 84** - Representative Spring moved consideration of SB 84 be passed for the day. Motion carried.

**SB 142** - Representative J. Rice moved SB 142 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Daily, Davis, DeBruycker, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harrington, Hayne, Herron, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peterson, Quilici, Ream, Rehbein, J. Rice, S. Rice, Rose, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Swanson, Tash, Toole, Tunby, Vogel, Wagner, Wallin, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 85



Noes: Bardanouve, Boharski, Cocchiarella, Dolezal, Dowell, Driscoll, Peck, Raney, Russell, Ryan, Strizich, Tuss, Wanzenried.

Total 13

Voted Absentee: Wyatt, Aye.

Excused: None.

Total 0

Absent or not voting: Harper, Hibbard.

Total 2

**SB 147** - Representative Toole moved SB 147 be concurred in.

Representative Molnar made a substitute motion SB 147, third reading copy, be amended (amendment #1). Amendment #1 failed as follows: (36-61)

Representative Toole moved his original motion that SB 147 be concurred in. Motion carried as follows:

Ayes: Bardanouve, Barnhart, Benedict, Bird, Boharski, Brooke, Brown, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Endy, Ewer, Fagg, Galvin, Gervais, Harper, Harrington, Herron, J. Johnson, Kadas, Larson, McCarthy, McCulloch, Menahan, L. Nelson, T. Nelson, Orr, Pavlovich, Quilici, Raney, Ream, S. Rice, Russell, Ryan, Schwinden, Schye, Squires, Stanford, Stovall, Strizich, Swanson, Toole, Tuss, Wallin, Wanzenried, Whalen, Wyatt.

Total 52

Noes: Anderson, Bachini, Barnett, Bergman, Bergsagel, Bohlinger, Brandewie, Clark, DeBruycker, Ellis, Feland, Fisher, Foster, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Hayne, Hibbard, R. Johnson, Kasten, Keller, Knox, Mason, McCaffree, Mills, Molnar, Peck, Peterson, Rehbein, J. Rice, Rose, Sayles, Simon, Simpkins, Smith, Spring, Tash, Tunby, Vogel, Wagner, Winslow, Wiseman, Mr. Speaker.

Total 47

Voted Absentee: Wyatt, Aye.

Excused: None.

Total 0

Absent or not voting: Zook.

Total 1

Representative Grinde moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman Kadas moved the adoption of the committee report.

Representative Harper made a substitute motion SJR 2 be segregated from the Committee of the Whole report and the remainder of the report be adopted. Motion carried. (53-44)

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 278** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Bergman, Bergsagel, Bird, Boharski, Brandewie, Brooke, Brown, Clark, Cocchiarella, Daily, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Feland, Fisher, Foster, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, Harper, Harrington, Hayne, Herron, J. Johnson, R. Johnson, Kadas, Kasten, Knox, Larson, Mason, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, Orr, Pavlovich, Peterson, Quilici, Raney, Ream, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Mr. Speaker.  
Total 81

Noes: Bohlinger, Davis, DeBruycker, Fagg, Galvin, M. Hanson, Hibbard, Keller, McCaffree, T. Nelson, Peck, Rehbein, J. Rice, Simpkins, Smith.  
Total 15

Excused: Wyatt.  
Total 1

Absent or not voting: Benedict, Cobb, Zook.  
Total 3

**HB 495** passed as follows:

Ayes: Anderson, Bardanouve, Barnett, Barnhart, Benedict, Bird, Bohlinger, Brooke, Cocchiarella, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gilbert, Grimes, Grinde, Hansen, M. Hanson, Harper, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCulloch, Mills, Molnar, L. Nelson, T. Nelson, Orr, Peck, Peterson, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Wagner, Wanzenried, Winslow, Zook, Mr. Speaker.  
Total 77

Noes: Bachini, Bergman, Bergsagel, Boharski, Brandewie, Brown, Clark, Daily, Gervais, Grady, H.S. Hanson, Harrington, Hayne, McCarthy, Menahan, Pavlovich, Quilici, Vogel, Wallin, Whalen, Wiseman.  
Total 21

Excused: Wyatt.  
Total 1

Absent or not voting: Cobb.  
Total 1

**HB 539** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Zook, Mr. Speaker.

Total 95

Noes: Bergsagel, Gervais, Russell.

Total 3

Excused: Wyatt.

Total 1

Absent or not voting: Cobb.

Total 1

**HB 641** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Zook, Mr. Speaker.

Total 98

Noes: None.

Total 0

Excused: Wyatt.

Total 1

Absent or not voting: Cobb.

Total 1

**SB 137** concurred in as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Elliott, Ellis, Endy, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Vogel, Wagner, Wallin, Whalen, Winslow, Wiseman, Zook, Mr. Speaker.  
Total 89

Noes: Bergsagel, Dowell, Driscoll, Ewer, Harper, McCaffree, Raney, Wanzenried.  
Total 8

Excused: Wyatt.  
Total 1

Absent or not voting: Cobb, Tuss.  
Total 2

**SB 146** concurred in as follows:

Ayes: Anderson, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Quilici, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Zook, Mr. Speaker.  
Total 90

Noes: Bachini, Bardanouve, Bergsagel, Herron, McCaffree, Peck, Peterson, Raney.  
Total 8

Excused: Wyatt.  
Total 1

Absent or not voting: Cobb.  
Total 1



**SB 159** concurred in as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Zook, Mr. Speaker.  
Total 97

Noes: DeBruycker.  
Total 1

Excused: Wyatt.  
Total 1

Absent or not voting: Cobb.  
Total 1

**SB 234** concurred in as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peterson, Quilici, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Tunby, Tuss, Vogel, Wagner, Wallin, Winslow, Wiseman, Zook, Mr. Speaker.  
Total 92

Noes: Cocchiarella, Peck, Raney, Toole, Wanzenried, Whalen.  
Total 6

Excused: Wyatt.  
Total 1

Absent or not voting: Cobb.  
Total 1

**SB 273** concurred in as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Zook, Mr. Speaker.  
Total 98

Noes: None.  
Total 0

Excused: Wyatt.  
Total 1

Absent or not voting: Cobb.  
Total 1

### **MOTIONS**

Representative Ewer moved the rules be suspended to permit the late drafting and introduction of a bill. Motion carried.

Representative Grady moved SB 147 be taken from second reading and rereferred to the Committee on Appropriations. Motion carried.

### **ANNOUNCEMENTS**

Committee meetings were announced by committee chairmen.

Representative Grinde moved the House adjourn until 1:00 p.m., Tuesday, March 9, 1993. Motion carried.

House adjourned at 2:10 p.m.

John Mercer, Speaker

Marilyn Miller, Chief Clerk



## FIFTY-THIRD LEGISLATIVE DAY

Helena, Montana  
March 9, 1993

House Chambers  
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Representative Ewer. Pledge of Allegiance to the Flag.

Roll call. All members present except Kadas, Tuss, Winslow, excused. Quorum present.

Mr. Speaker: We, your committee on Legislative Administration/Bills and Journal, having examined the daily journals for the fiftieth, fifty-first and fifty-second legislative days, find the same to be correct.

Harriet Hayne, Chairman

### REPORTS OF STANDING COMMITTEES

BILLS (Hayne, Chairman): 3/9/93

Correctly printed for second reading: HB 401.

Correctly engrossed for third reading: HB 525, HB 574, SB 25, SB 142, SB 159, SB 241, SB 273.

Examined by the sponsor and found to be correct:

HB 35 - Brown

HB 44 - Ewer

HB 58 - Keller

HB 93 - Ewer

HB 111 - Simpkins

HB 122 - Anderson

HB 223 - Grinde

HB 289 - Hibbard

HB 291 - Hibbard

HB 297 - McCarthy

HB 312 - Foster

HB 377 - Barnett

HUMAN SERVICES AND AGING (Boharski, Chairman): 3/9/93

**SB 120**, third reading copy, be amended as follows:

1. Page 4, line 9.

Following: "(F)"

Insert: "at each of the times specified in subsections (4)(a) through (4)(e),"

2. Page 9, line 3.

Strike: "FINDINGS"

Insert: "determination made"

And, as amended, be concurred in. Report adopted.

### MESSAGES FROM THE SENATE

House bills concurred in and returned to the House: 3/8/93

**HB 50**, introduced by Fagg

**HB 66**, introduced by Cocchiarella

**HB 68**, introduced by Fagg



**HB 98**, introduced by Quilici  
**HB 110**, introduced by Hibbard  
**HB 112**, introduced by Ream  
**HB 123**, introduced by J. Johnson  
**HB 187**, introduced by S. Rice  
**HB 213**, introduced by Rose  
**HB 230**, introduced by Winslow  
**HB 244**, introduced by Schwinden  
**HB 256**, introduced by Toole  
**HB 269**, introduced by Larson  
**HB 290**, introduced by Hibbard  
**HB 295**, introduced by Foster  
**HB 304**, introduced by Kasten  
**HB 306**, introduced by McCaffree  
**HB 327**, introduced by McCaffree  
**HB 337**, introduced by Brown  
**HB 340**, introduced by Brown  
**HB 366**, introduced by Rose

House bills concurred in as amended and returned to the House for  
concurrence in Senate amendments: 3/8/93

**HB 67**, introduced by Cocchiarella  
**HB 124**, introduced by McCaffree  
**HB 151**, introduced by Vogel  
**HB 294**, introduced by Larson  
**HB 339**, introduced by Driscoll  
**HB 358**, introduced by Barnett

Senate bills passed and transmitted to the House for concurrence:  
3/8/93

**SB 325**, introduced by Beck  
**SB 370**, introduced by Rye  
**SB 417**, introduced by Weeding

#### **FIRST READING AND COMMITMENT OF BILLS AND RESOLUTIONS**

The following House bills were introduced, read first time, and referred to  
committee:

**HB 665**, introduced by Kadas, Cobb, Peck, Wanzenried, R. Johnson (by  
request of the House Select Committee on School Funding), referred to  
Select Committee on School Funding  
**HB 666**, introduced by Wanzenried (by request of the Joint Subcommittee  
on Human Services and Aging), referred to Committee on Appropriations  
**HB 667**, introduced by Fagg, Peck, Simpkins, Kadas, Boharski,  
Wanzenried, Russell, Cobb (by request of the House Select Committee on  
School Funding), referred to Select Committee on School Funding

The following Senate bills were introduced, read first time, and referred to  
committee:

**SB 325**, introduced by Beck, Foster, Stang, Smith (by request of the Department of Revenue), referred to Committee on Taxation

**SB 370**, introduced by Rye, referred to Committee on Taxation

**SB 417**, introduced by Weeding, Harp (by request of the Department of Transportation), referred to Committee on Highways and Transportation

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Vogel in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**SB 84** - Representative Harper moved SB 84, third reading copy, be amended as follows (amendment #1):

1. Page 8, line 21.

Strike: "may"

Insert: "must"

Strike: "stamp or"

2. Page 12, line 22.

Strike: "Every"

Insert: "A"

3. Page 12, lines 23 and 24.

Strike: " " on line 24

Insert: ". Each person appointed as a notary public"

Amendment #1 passed as follows:

Ayes: Anderson, Bachini, Bardanoue, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Vogel, Wagner, Wallin, Wanzenried, Whalen, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 97

Noes: None.

Total 0

Excused: Kadas, Tuss, Winslow.

Total 3

Absent or not voting: None.  
Total 0

Representative Spring moved SB 84, as amended, be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 98

Noes: None.  
Total 0

Voted Absentee: Tuss, Aye.

Excused: Kadas, Winslow.  
Total 2

Absent or not voting: None.  
Total 0

**SB 259** - Representative Spring moved SB 259 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Daily, Davis, DeBruycker, Dolezal, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Hayne, Herron, J. Johnson, R. Johnson, Kasten, Keller, Knox, Mason, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Whalen, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 87

Noes: Cocchiarella, Dowell, Galvin, Harper, Harrington, Hibbard, Larson, McCaffree, Rehbein, Schwinden, Wanzenried.  
Total 11

Voted Absentee: Tuss, Aye.

Excused: Kadas, Winslow.  
Total 2

Absent or not voting: None.  
Total 0

**SB 369** - Representative Stanford moved SB 369 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Ream, Rehbein, J. Rice, S. Rice, Rose, Ryan, Sayles, Schwinden, Schye, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 93

Noes: Driscoll, Fisher, Raney, Russell, Simon.  
Total 5

Voted Absentee: Tuss, Aye.

Excused: Kadas, Winslow.  
Total 2

Absent or not voting: None.  
Total 0

**SJR 8** - Representative Brown moved SJR 8 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Wiseman, Wyatt, Zook.  
Total 92

Noes: Bergsagel, Cobb, Fisher, Peterson, Rehbein.  
Total 5



Voted Absentee: Tuss, Aye.

Excused: Kadas, Winslow.

Total 2

Absent or not voting: Mr. Speaker.

Total 1

**SJR 12** - Representative Schwinden moved SJR 12 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Bohlinger, Brandewie, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Fagg, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, J. Johnson, R. Johnson, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, T. Nelson, Pavlovich, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Vogel, Wagner, Wallin, Wanzenried, Whalen, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 84

Noes: Bergsagel, Boharski, Cobb, Feland, Herron, Kasten, Molnar, Orr, Peck, Peterson, Rehbein.

Total 11

Excused: Kadas, Tuss, Winslow.

Total 3

Absent or not voting: Ewer, L. Nelson.

Total 2

**HB 203** - Representative Larson moved Senate amendments to HB 203 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 97

Noes: None.

Total 0

Voted Absentee: Tuss, Aye.

Excused: Kadas, Winslow.  
Total 2

Absent or not voting: L. Nelson.  
Total 1

**HB 436** - Representative T. Nelson moved HB 436 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, J. Johnson, R. Johnson, Kasten, Keller, Knox, Larson, Mason, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wyatt, Zook, Mr. Speaker.  
Total 95

Noes: Fisher, Herron, McCaffree, Wiseman.  
Total 4

Voted Absentee: Tuss, Winslow, Ayes.

Excused: Kadas.  
Total 1

Absent or not voting: None.  
Total 0

Representative Grinde assumed the Chair at this time.

**HB 627** - Representative T. Nelson moved HB 627 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Wagner, Wallin, Wanzenried, Whalen, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 96

Noes: Harper.

Total 1

Voted Absentee: Tuss, Aye.

Excused: Kadas, Winslow.

Total 2

Absent or not voting: Vogel.

Total 1

**SB 108** - Representative Bird moved consideration of SB 108 be passed for the day. Motion carried.

Representative Vogel resumed the Chair at this time.

**SB 160** - Representative Pavlovich moved SB 160 be concurred in.

Representative S. Rice made a substitute motion SB 160 be passed for the day. Motion failed as follows: (29-63)

Thereupon, SB 160 was concurred in as follows:

Ayes: Bachini, Bardanouve, Barnhart, Benedict, Bohlinger, Brandewie, Brown, Clark, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Ellis, Endy, Fisher, Galvin, Gervais, Grady, Grinde, H.S. Hanson, M. Hanson, Harrington, Herron, J. Johnson, Kasten, Keller, Knox, Larson, McCaffree, McCarthy, McCulloch, Menahan, Molnar, L. Nelson, T. Nelson, Pavlovich, Peck, Peterson, Quilici, Ream, Rehbein, Ryan, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Swanson, Tash, Tuss, Vogel, Wagner, Wanzenried, Whalen, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 63

Noes: Anderson, Barnett, Bergman, Bergsagel, Bird, Boharski, Brooke, Cobb, DeBruycker, Elliott, Ewer, Fagg, Feland, Foster, Gilbert, Grimes, Hansen, Harper, Hayne, Hibbard, R. Johnson, Mason, Mills, Orr, Raney, J. Rice, S. Rice, Rose, Russell, Sayles, Stovall, Strizich, Toole, Tunby, Wallin.  
Total 35

Voted Absentee: Tuss, Aye.

Excused: Kadas, Winslow.

Total 2

Absent or not voting: None.

Total 0

**SB 169** - Representative Smith moved SB 169 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, R. Johnson, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 93

Noes: Barnhart, Bergsagel, Endy.

Total 3

Voted Absentee: Tuss, Aye.

Excused: Kadas, Winslow.

Total 2

Absent or not voting: Benedict, J. Johnson.

Total 2

**SB 184** - Representative Benedict moved SB 184 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 98

Noes: None.

Total 0

Voted Absentee: Tuss, Aye.

Excused: Kadas, Winslow.

Total 2

Absent or not voting: None.

Total 0



**SB 193** - Representative Brooke moved consideration of SB 193 be passed for the day. Motion carried.

**SB 207** - Representative Mills moved SB 207 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kasten, Keller, Knox, Larson, Mason, McCarthy, McCulloch, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 89

Noes: Bergsagel, Dowell, Galvin, Gervais, Harrington, McCaffree, Menahan, Wanzenried, Whalen.  
Total 9

Voted Absentee: Tuss, Aye.

Excused: Kadas, Winslow.  
Total 2

Absent or not voting: None.  
Total 0

Representative Grinde moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman Vogel moved the adoption of the committee report. Report adopted. (82-11)

## REPORTS OF STANDING COMMITTEES

BUSINESS AND ECONOMIC DEVELOPMENT (Benedict, Chairman):

3/9/93

**SB 51**, third reading copy, be concurred in. Report adopted.

**SB 362**, third reading copy, be concurred in. Report adopted.

**SB 386**, third reading copy, be concurred in. Report adopted.

**SB 411**, third reading copy, be amended as follows:

1. Page 5, line 3.

Following: "(2)"

Insert: "(a)"

2. Page 5, line 9.

Following: "advertisement."

Insert: "(b) The provisions of subsection (2)(a) do not prevent a broker or salesperson from including information on properties listed by other brokers or salespersons who will cooperate with the selling

broker or salesperson in materials dispensed to prospective customers.  
(c)"

3. Page 5, line 10.

Following: "subsection"

Insert: "(2)"

And, as amended, be concurred in. Report adopted.

HIGHWAYS AND TRANSPORTATION (Clark, Chairman):

3/9/93

**SB 272**, third reading copy, be amended as follows:

1. Title, line 9.

Following: "AN"

Insert: "IMMEDIATE"

And, as amended, be concurred in. Report adopted.

**SB 315**, third reading copy, be concurred in and be placed on the consent calendar. Report adopted.

**SB 353**, third reading copy, be concurred in. Report adopted.

### THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 43**, Senate amendments, concurred in as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Gilbert, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 93

Noes: Daily, DeBruycker, Feland, Pavlovich, Winslow.

Total 5

Voted Absentee: Tuss, Aye; Winslow, No.

Excused: Kadas.

Total 1

Absent or not voting: Grady.

Total 1

**HB 104**, Senate amendments, concurred in as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Daily, Davis, DeBruycker, Dolezal, Dowell, Elliott, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Grimes, Grinde, Hansen, H.S. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 92

Noes: Cocchiarella, Driscoll, Gilbert, M. Hanson.

Total 4

Voted Absentee: Winslow, Aye.

Excused: Kadas, Tuss.

Total 2

Absent or not voting: Ellis, Grady.

Total 2

**SB 86** concurred in as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Grimes, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 92

Noes: Bergsagel, Feland, Gilbert, Grinde, Hansen, Tuss.

Total 6

Voted Absentee: Winslow, Aye; Tuss, No.

Excused: Kadas.

Total 1

Absent or not voting: Grady.  
Total 1

**SB 109** concurred in as follows:

Ayes: Anderson, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Grimes, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, Keller, Knox, Larson, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Russell, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 85

Noes: Bachini, Bergsagel, Clark, DeBruycker, Gilbert, Grinde, R. Johnson, Kasten, Mason, Peck, Rose, Vogel.  
Total 12

Voted Absentee: Tuss, Winslow, Ayes.

Excused: Kadas.  
Total 1

Absent or not voting: Grady, Ryan.  
Total 2

**SB 111** concurred in as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kasten, Keller, Knox, Mason, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 90

Noes: Bergsagel, Feland, Gilbert, McCaffree, Rehbein, Simpkins, Toole.  
Total 7

Voted Absentee: Tuss, Winslow, Ayes.

Excused: Kadas.  
Total 1



Absent or not voting: Grady, Larson.

Total 2

**SB 132** concurred in as follows:

Ayes: Anderson, Bachini, Bardanoue, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Gilbert, Grimes, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Herron, Hibbard, J. Johnson, R. Johnson, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 93

Noes: Bergsagel, DeBruycker, Feland, Grinde, Hayne.

Total 5

Voted Absentee: Tuss, Winslow, Ayes.

Excused: Kadas.

Total 1

Absent or not voting: Grady.

Total 1

**SB 140** concurred in as follows:

Ayes: Anderson, Bachini, Bardanoue, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Stanford, Stovall, Strizich, Swanson, Tash, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 93

Noes: Bergsagel, Cocchiarella, Squires, Toole, Whalen.

Total 5

Voted Absentee: Tuss, Winslow, Ayes.

Excused: Kadas.

Total 1

Absent or not voting: Grady.

Total 1

**SB 178** concurred in as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 98

Noes: None.

Total 0

Voted Absentee: Tuss, Winslow, Ayes.

Excused: Kadas.

Total 1

Absent or not voting: Grady.

Total 1

**SB 241** concurred in as follows:

Ayes: Anderson, Bachini, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 94

Noes: Bardanouve, DeBruycker, Gilbert, Smith.

Total 4

Voted Absentee: Tuss, Winslow, Ayes.

Excused: Kadas.

Total 1

Absent or not voting: Grady.

Total 1

**SB 250** concurred in as follows:

Ayes: Bardanouve, Barnett, Barnhart, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Cocchiarella, Daily, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Fagg, Fisher, Foster, Galvin, Gervais, Grimes, Hansen, Harper, Harrington, Herron, Hibbard, Larson, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, Pavlovich, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Squires, Stanford, Strizich, Swanson, Tash, Toole, Tunby, Vogel, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 66

Noes: Anderson, Bachini, Benedict, Bergsagel, Brown, Clark, Cobb, Davis, DeBruycker, Ewer, Feland, Gilbert, Grinde, H.S. Hanson, M. Hanson, Hayne, J. Johnson, R. Johnson, Kasten, Keller, Knox, Mason, T. Nelson, Orr, Peck, Rehbein, Rose, Spring, Stovall, Wagner, Wallin.  
Total 31

Voted Absentee: Winslow, Aye.

Excused: Kadas, Tuss.

Total 2

Absent or not voting: Grady.

Total 1

**SB 279** concurred in as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 98

Noes: None.

Total 0

Voted Absentee: Tuss, Winslow, Ayes.

Excused: Kadas.

Total 1

Absent or not voting: Grady.

Total 1

**SB 328** concurred in as follows:

Ayes: Bachini, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 93

Noes: Bardanouve, Rehbein, Schwinden.

Total 3

Voted Absentee: Winslow, Aye.

Excused: Kadas, Tuss.

Total 2

Absent or not voting: Anderson, Grady.

Total 2

**SB 355** concurred in as follows:

Ayes: Bardanouve, Barnett, Benedict, Bergman, Boharski, Bohlinger, Brandewie, Brooke, Brown, Daily, Dolezal, Dowell, Ellis, Endy, Ewer, Fisher, Foster, Gervais, Grimes, H.S. Hanson, Harrington, Hayne, Herron, Hibbard, J. Johnson, Keller, Larson, McCarthy, McCulloch, Menahan, Mills, Molnar, Pavlovich, Peterson, Quilici, Raney, J. Rice, S. Rice, Russell, Simon, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Wallin, Wanzenried, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 56

Noes: Anderson, Bachini, Barnhart, Bergsagel, Bird, Clark, Cobb, Cocchiarella, Davis, DeBruycker, Driscoll, Elliott, Fagg, Feland, Galvin, Gilbert, Grinde, Hansen, M. Hanson, Harper, R. Johnson, Kasten, Knox, Mason, McCaffree, L. Nelson, T. Nelson, Orr, Peck, Ream, Rehbein, Rose, Ryan, Sayles, Schwinden, Schye, Simpkins, Smith, Vogel, Wagner.

Total 40

Voted Absentee: Winslow, Aye.



Excused: Kadas, Tuss.

Total 2

Absent or not voting: Grady, Whalen.

Total 2

### **MOTIONS**

Representative Brown rose on a point of order questioning whether SB 145 was appropriately before the House. The Speaker referred the question to the Rules Committee.

Representative Barnett moved he be allowed to change his vote on SB 250, third reading, from aye to no. Motion carried.

### **SPECIAL ORDERS OF THE DAY**

The following sponsor was added to HB 565: Foster.

### **ANNOUNCEMENTS**

Committee meetings were announced by committee chairmen.

Representative Grinde moved the House adjourn until 1:30 p.m., Wednesday, March 10, 1993. Motion carried.

House adjourned at 2:27 p.m.

John Mercer, Speaker

Marilyn Miller, Chief Clerk

## FIFTY-FOURTH LEGISLATIVE DAY

Helena, Montana  
March 10, 1993

House Chambers  
State Capitol

House convened at 1:30 p.m. Mr. Speaker in the Chair. Invocation by Les Conger of Bozeman. Pledge of Allegiance to the Flag.

Roll call. All members present except Gervais, S. Rice, Tuss, Vogel, excused. Quorum present.

### COMMUNICATIONS AND PETITIONS

House of Representatives  
Capitol Station  
Helena, MT 59620

March 10, 1993

Dear Members of the House:

The following members are hereby appointed to serve on the joint Memorial Service Committee:

Representative Harriet Hayne  
Representative Marian Hanson  
Representative Ervin Davis

Sincerely,

John A. Mercer  
Speaker of the House

### REPORTS OF STANDING COMMITTEES

BILLS (Hayne, Chairman): 3/10/93  
Correctly engrossed for third reading: HB 436, HB 627, SB 84, SB 160,  
SB 169, SB 184, SB 207, SB 259, SB 315, SB 369, SJR 8, SJR 12.  
Correctly enrolled: HB 35, HB 44, HB 58, HB 93, HB 111, HB 122, HB 223,  
HB 289, HB 291, HB 297, HB 312, HB 377.  
Examined by the sponsor and found to be correct:  
HB 22 - Menahan

APPROPRIATIONS (Zook, Chairman): 3/8/93  
**HB 19**, third reading copy, be amended as follows:

1. Page 4, line 11.  
Strike: "\$20,000"  
Insert: "\$10,000"

And, as amended, do pass. Report adopted.

**HB 474**, introduced bill, do pass. Report adopted.

**HB 482**, third reading copy, do pass and be placed on the consent calendar.  
Report adopted.

**HB 500**, introduced bill, do pass. Report adopted.

**HB 579**, introduced bill, do pass. Report adopted.

**HB 608**, introduced bill, be amended as follows:

1. Page 1, line 13 through line 18.

Following: ";" on line 13

Strike: "REMOVING THE CRUCIAL STATE NEED FUNDING CATEGORY FROM THE RECLAMATION AND DEVELOPMENT GRANTS PROGRAM AND LIMITING FUNDING TO MINERAL RECLAMATION PROJECTS; CREATING THE RURAL ECONOMIC REVITALIZATION PROGRAM THAT WILL FUND PROJECTS THAT PROMOTE AND IMPROVE MONTANA'S ECONOMY;"

2. Page 1, line 23.

Following: "85-2-105,"

Strike: "90-2-1102,"

3. Page 1, line 24.

Following: "90-2-1104,"

Insert: "AND"

4. Page 1, line 24.

Following: "90-2-1105,"

Strike: "90-2-1112, AND 90-2-1121,"

5. Page 2, line 16 through line 24.

Following: line 15

Strike: line 16 through line 24 in their entirety

6. Page 7, line 20.

Following: "(iv)"

Strike: "\$1,600,000"

Insert: "\$2,400,000"

7. Page 7, line 22.

Following: "a"

Insert: "and"

8. Page 7, following line 22.

Strike: subsection (v) in its entirety

Renumber: subsequent subsection

9. Page 8, line 12.

Strike: "Twelve"

Insert: "Sixteen"

10. Page 8, line 20.

Strike: "Forty-six"

Insert: "Forty"

11. Page 8, line 24.

Strike: "Four"

Insert: "Six"

12. Page 10, line 17.

Strike: "\$2"

Insert: "\$3"

13. Page 10, line 20.

Following: "ا"

Insert: "and"

14. Page 10, line 21 through line 24.

Strike: subsection (v) in its entirety

Renumber: subsequent subsection

15. Page 11, line 7.

Strike: "Thirty-eight"

Insert: "Thirty-six"

16. Page 11, line 11.

Strike: "Twelve"

Insert: "Eighteen"

17. Page 11, line 19.

Strike: "Forty-six"

Insert: "Forty"

18. Page 11, line 23.

Strike: "Four"

Insert: "Six"

19. Page 51, line 17 through page 52, line 7.

Strike: section 31 in its entirety

Renumber: subsequent sections

20. Page 55, line 9 through page 64, line 15.

Strike: sections 35 through 45 in their entirety

Renumber: subsequent sections

21. Page 64, lines 21 through 25.

Strike: section 47 in its entirety

Renumber: subsequent section

22. Page 65, line 2.

Strike: "48"

Insert: "35"

And, as amended, do pass. Report adopted.

**HB 632**, introduced bill, be amended as follows:

1. Page 1, line 25.

Following: "."

Insert: "The legislature intends that implementation of this bill not duplicate similar initiatives by other state agencies."

2. Page 2, lines 5 through 10.

Following: "means" on line 5

Strike: remainder of line 5 through "agencies" on line 10



Insert: "a child under 18 years of age who has a need for services that are available from more than one state agency"

3. Page 2, lines 11 and 12.

Strike: subsection (2) in its entirety

Insert: "(2) "Least restrictive setting" means a setting in which a child with multiagency service needs is served:

(a) within the child's family or community; or

(b) outside the child's family or community where the needed services are not available within the child's family or community and where the setting is determined to be the most appropriate alternative setting based on:

(i) the safety of the child and others;

(ii) ethnic and cultural norms;

(iii) preservation of the family;

(iv) services needed by the child and the family;

(v) the geographic proximity to the child's family and community."

4. Page 2, lines 13 and 14.

Following: "means" on line 13

Strike: remainder of line 13 through line 14 in its entirety

Insert: "a local interagency staffing group formed pursuant to 52-2-203 or parents who are"

5. Page 2, line 16.

Strike: "with an out-of-state provider"

Insert: "and who is suffering from mental, behavioral, or emotional disorders"

6. Page 2, line 17.

Following: line 16

Insert: "(4) "Managed care" means control of the provision of services to a defined population through a planned delivery system."

Renumber: subsequent subsections

7. Page 2, line 17.

Following: "means"

Insert: "an agency of state or local government,"

Following: "person"

Insert: ", "

Following: "or"

Insert: "a"

Following: "program"

Strike: "that provides"

Insert: "authorized to provide"

8. Page 2, line 18.

Following: "treatment"

Strike: "for the mental and emotional needs of"

Insert: "or services to"

9. Page 2, line 19.

Following: "needs"

Insert: "who is suffering from mental, behavioral, or emotional disorders"

10. Page 2, lines 20 through 23.

Strike: subsections (5) and (6) in their entirety

Insert: "(6) "Request for proposals" has the meaning as defined in 18-4-301.

(7) "Services" has the meaning as defined in 52-2-202."

11. Page 3, line 1.

Following: "available"

Insert: "and using a managed care system"

12. Page 3, line 3.

Strike: "residential"

13. Page 3, lines 4 and 5.

Following: "state" on line 4

Strike: remainder of line 4 through "department" on line 5

Insert: "with multiagency service needs"

14. Page 3, lines 6 and 7.

Following: "serve" on line 6

Strike: "those"

Following: "children" on line 6

Strike: remainder of line 6 through "department" on line 7

Insert: "with multiagency service needs"

15. Page 3, line 9.

Following: "needs"

Insert: "as provided in [sections 6 and 7]"

16. Page 3, line 10.

Strike: "provide care for a child"

Insert: "serve children"

17. Page 3, lines 11 through 18.

Following: "needs" on line 11

Strike: remainder of line 11 through "with" on line 18

Insert: "within the state and use"

Following: "providers"

Insert: "as a last resort"

18. Page 4, line 1.

Strike: "the administrator of the mental health division"

Insert: "an appointee of the director"

19. Page 4, line 3.

Following: "(d)"

Strike: remainder of line 3 in its entirety

Insert: "an appointee of the director"

20. Page 4, line 5.

Following: "(e)"

Strike: remainder of line 5 in its entirety

Insert: "an appointee of the director"

21. Page 4, line 15.

Strike: "for"

Insert: "aimed at allowing"

Following: "agencies"

Insert: ", through a managed care system,"

Strike: "state"

22. Page 4, line 17.

Following: "needs"

Strike: remainder of line 17 in its entirety

Insert: ": (a) that are currently provided by"

23. Page 4, line 19.

Following: line 18

Insert: "(b) who may have a future need to obtain services provided by out-of-state providers unless in-state services are developed; and"

24. Page 5, line 3.

Following: "plan"

Insert: "must adhere to the policy set forth in [section 2] and as a minimum"

25. Page 5, lines 4 and 5.

Following: "the" on line 4

Strike: remainder of line 4 through "the" on line 5

26. Page 5, line 6.

Following: "necessary"

Insert: "will be developed"

27. Page 5, line 9.

Strike: "the"

Insert: "rules regarding"

28. Page 5, line 10.

Following: "licensing"

Strike: remainder of line 10 in its entirety

Insert: "of"

29. Page 5, line 11.

Following: "providers"

Insert: "who may be used"

30. Page 5, line 12.

Following: "strategies"

Strike: "and"

Insert: ", pooling of"

Following: "resources"

Insert: ", and strategies"

31. Page 5, line 13.

Following: "development"

Insert: "and provision"

32. Page 5, line 15.

Strike: "and in"

Insert: ", "

Strike: "necessity for"

33. Page 5, line 17.

Strike: "in the future"

Insert: ", and maintaining children with multiagency service needs within the least restrictive state setting"

34. Page 5, line 19.

Strike: "will"

Insert: "may"

35. Page 5, line 22.

Strike: "and"

36. Page 5, line 23.

Following: line 22

Insert: "(6) a current description of the children with multiagency service needs that, as a minimum, include services:

(a) being received and the cost of the services;

(b) needed in the least restrictive setting and an estimated cost of the services; and"

Renumber: subsequent subsection

37. Page 6, line 7.

Strike: "provider is"

Insert: "services are"

38. Page 6, lines 12 through 19.

Following: "of" on line 12

Strike: remainder of line 12 through "court" on line 19

Insert: "the child is approved by the local interagency staffing group formed pursuant to 52-2-203"

39. Page 6, line 20 through page 7, line 2.

Strike: subsection (2) in its entirety

Renumber: subsequent subsection

40. Page 7, line 4.

Strike: "implemented, placement"

Insert: "completed and submitted to the department, the department shall adopt rules implementing the plan. Placement"

41. Page 7, line 7.

Strike: "terms of"

Insert: "rules implementing"



42. Page 7, lines 9 through 20.

Following: "shall" on line 9

Strike: remainder of line 9 through "providers" on line 20

Insert: "use the request for proposals process to solicit in-state providers.  
If there is no appropriate in-state response to a request for proposals under this section, alternative resources may be sought"

43. Page 7, line 21 through page 8, line 9.

Following: "(2)" on page 7, line 21

Strike: remainder of line 21 through "." on page 8, line 9

44. Page 8, line 21.

Insert: "NEW SECTION. Section 10. Severability. If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications."

And, as amended, do pass. Report adopted.

**HB 646**, introduced bill, do pass. Report adopted.

BUSINESS AND ECONOMIC DEVELOPMENT (Benedict, Chairman):

3/10/93

**SB 349**, third reading copy, be concurred in and be placed on the consent calendar. Report adopted.

**SB 361**, third reading copy, be amended as follows:

1. Title, line 9.

Following: "DATE"

Insert: "AND AN APPLICABILITY DATE"

2. Page 2, line 19.

Following: line 18

Insert: "NEW SECTION. Section 3. Applicability. [This act] is applicable to all loans made after [the effective date of this act]."

And, as amended, be concurred in. Report adopted.

EDUCATION AND CULTURAL RESOURCES (H. S. Hanson, Chairman):

3/9/93

**SB 138**, third reading copy, be amended as follows:

1. Title, line 6.

Following: "LEVIES;"

Insert: "REQUIRING CERTAIN SCHOOL DISTRICTS TO REPAY AN OVERDISTRIBUTION OF FOUNDATION PROGRAM MONEY FOR SCHOOL FISCAL YEAR 1991 THAT IS ATTRIBUTABLE TO AN OVERDISTRIBUTION OF LOCAL GOVERNMENT SEVERANCE TAX REVENUE;"

2. Page 2, line 17.

Following: "tax"

Insert: "; and

WHEREAS, Saco Elementary School District No. 12A, Saco High School District No. B, Whitewater Elementary School District No. 20AA, Whitewater School District No. D, Malta Elementary School District No. 14, and Malta High School District No. A, Phillips County, received foundation program money in excess of the districts' foundation entitlements for school fiscal year 1991."

3. Page 10, line 1.

Following: page 9, line 25

Insert: "NEW SECTION. Section 2. Repayment of foundation program money. Beginning July 1, 1993, and by June 30, 1998, Saco School Districts No. 12A and B, Whitewater School Districts No. 20AA and D, and Malta School Districts No. 14 and A, Phillips County, shall repay any overdistribution of foundation program money for school fiscal year 1991 attributable to an overdistribution of local government severance tax revenue in the following amounts, based on an annual repayment schedule approved by the superintendent of public instruction:

Saco School District No. 12A	\$135,682
Saco School District No. B	102,003
Whitewater School District No. 20AA	121,924
Whitewater School District No. D	73,196
Malta Elementary School District No. 14	12,923
Malta High School District No. A	8,086"

Renumber: subsequent section

And, as amended, be concurred in. Report adopted.

**SJR 14**, third reading copy, be concurred in. Report adopted.

JUDICIARY (Fagg, Chairman):

3/9/93

**SB 46**, third reading copy, be concurred in. Report adopted.

**SB 397**, third reading copy, be concurred in. Report adopted.

LOCAL GOVERNMENT (Wallin, Chairman):

3/9/93

**SB 52**, third reading copy, be concurred in and be placed on the consent calendar. Report adopted.

**SB 63**, third reading copy, be concurred in. Report adopted.

**SB 92**, third reading copy, be concurred in and be placed on the consent calendar. Report adopted.

NATURAL RESOURCES (Knox, Chairman):

3/10/93

**SB 225**, third reading copy, be amended as follows:

1. Title, line 8.

Following: ";"

Strike: "AND"

2. Title, line 10.

Following: "LEGISLATION"

Insert: "; AND PROVIDING A TERMINATION DATE"

3. Page 5.

Following: line 16

Insert: "NEW SECTION. Section 5. Termination. [Section 4] terminates on October 1, 1995."

And, as amended, be concurred in. Report adopted.

**SB 275**, third reading copy, be amended as follows:

3/9/93

1. Title, line 8.

Strike: "AS WELL AS"

Insert: "OR"

2. Title, lines 10 and 11.

Strike: "PROVIDING" on line 10 through "ASSESSMENTS;" on line 11

3. Page 1, line 18.

Strike: "(1)"

4. Page 1, line 22.

Strike: ", or both,"

5. Page 2, lines 9 through 12.

Strike: Subsection (2) in its entirety

And, as amended, be concurred in. Report adopted.

STATE ADMINISTRATION (Simpkins, Chairman):

3/9/93

**SB 174**, third reading copy, be amended as follows:

1. Page 2, line 14.

Following: "(c)"

Insert: "(i)"

2. Page 2, lines 15 through 17.

Strike: "is entitled to be reimbursed by the state for" on lines 15 and 16

Insert: ", at the discretion of the court, may be awarded the"

Following: "incurred" on line 16

Strike: ", provided that in the case of"

Insert: ". The court may order either the defendant or the state to pay the incurred costs and attorney fees. If the court orders the state to pay the costs and fees, the state shall pay the costs and fees from fines collected under the provisions of this title.

(ii) If"

Strike: both the first and second "that" on line 17

3. Page 2, line 18.

Following: "finds"

Insert: "that the action"

4. Page 2, line 20.

Strike: "and reasonable"

Insert: ", "

Following: "fees"

Insert: ", and damages"

5. Page 2.

Following: line 21

Insert: "(4) A civil action may not be brought under this section more than 3 years after the occurrence of the facts that give rise to the action."

And, as amended, be concurred in. Report adopted.

**SB 192**, third reading copy, be amended as follows:

1. Page 7.

Following: line 2

Insert: "NEW SECTION. Section 9. Coordination instruction. If Senate Bill No. 385 is passed and approved and if it repeals 19-5-201, 19-6-201, 19-7-201, 19-8-201, 19-9-201, and 19-13-202, then [sections 2 through 6 and 8 of this act], which amend the sections previously enumerated, are void."

And, as amended, be concurred in. Report adopted.

**SB 385**, third reading copy, be concurred in. Report adopted.

**SB 407**, third reading copy, be concurred in. Report adopted.

### MESSAGES FROM THE SENATE

House bills concurred in and returned to the House:

3/9/93

**HB 133**, introduced by Foster

**HB 164**, introduced by Larson

**HB 329**, introduced by Brooke

**HB 380**, introduced by Ewer

House bill concurred in as amended and returned to the House for concurrence in Senate amendments:

3/9/93

**HB 139** , introduced by Grinde

### FIRST READING AND COMMITMENT OF BILLS AND RESOLUTIONS

The following House bill was introduced, read first time, and referred to committee:

**HB 668**, introduced by Bergsagel, Hockett (by request of the Joint Subcommittee on Long Range Planning), referred to Committee on Appropriations



**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Dolezal in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**SB 108** - Representative Bird moved consideration of SB 108 be passed for the day. Motion carried.

**SB 270** - Representative Gilbert moved SB 270 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Ream, Rehbein, J. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 93

Noes: Bergsagel, Cobb, Raney.

Total 3

Voted Absentee: Tuss, Aye.

Excused: Gervais, S. Rice, Vogel.

Total 3

Absent or not voting: J. Johnson.

Total 1

**SB 372** - Representative Brandewie moved SB 372 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brown, Clark, Cobb, Daily, Davis, DeBruycker, Driscoll, Ellis, Ewer, Fagg, Feland, Gervais, Gilbert, Grady, Grimes, Hansen, H.S. Hanson, M. Hanson, Harrington, Hayne, Herron, Hibbard, R. Johnson, Kasten, Keller, Knox, Larson, Mason, McCaffree, Menahan, Mills, Molnar, T. Nelson, Orr, Pavlovich, Peck, Peterson, Rehbein, J. Rice, S. Rice, Rose, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Stovall, Tash, Toole, Tunby, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Zook, Mr. Speaker.

Total 71

Noes: Barnhart, Brooke, Cocchiarella, Dolezal, Dowell, Elliott, Endy, Fisher, Foster, Galvin, Grinde, Harper, Kadas, McCarthy, McCulloch, Quilici, Raney, Ream, Russell, Ryan, Squires, Stanford, Strizich, Swanson, Tuss, Wyatt.

Total 26

Voted Absentee: Gervais, S. Rice, Ayes; Tuss, No.

Excused: Vogel.

Total 1

Absent or not voting: J. Johnson, L. Nelson.

Total 2

**SB 390** - Representative Ryan moved SB 390 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanoue, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Grady, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tuss, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 90

Noes: Bergsagel, Feland, Gilbert, Grimes, Grinde, Herron, McCaffree, Tunby.

Total 8

Voted Absentee: Gervais, S. Rice, Tuss, Ayes.

Excused: Vogel.

Total 1

Absent or not voting: Smith.

Total 1

Representative S. Rice present at this time.

**SJR 26** - Representative Pavlovich moved SJR 26 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Barnett, Barnhart, Benedict, Bergman, Bird, Bohlinger, Brandewie, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, Kadas, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Quilici, Raney, Ream, J. Rice, S. Rice, Rose,

Russell, Ryan, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 85

Noes: Bardanouve, Bergsagel, Boharski, Cobb, DeBruycker, Feland, Fisher, R. Johnson, Kasten, Molnar, Peterson, Rehbein, Sayles.

Total 13

Voted Absentee: Gervais, Tuss, Ayes.

Excused: Vogel.

Total 1

Absent or not voting: J. Johnson.

Total 1

**SB 117** - Representative Toole moved SB 117 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Foster, Galvin, Gervais, Grimes, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Schwinden, Schye, Simon, Simpkins, Smith, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 85

Noes: Benedict, Bergsagel, DeBruycker, Fisher, Gilbert, Grady, Grinde, Hayne, Kasten, Orr, Rehbein, Sayles, Spring, Wagner.

Total 14

Voted Absentee: Gervais, Tuss, Ayes.

Excused: Vogel.

Total 1

Absent or not voting: None.

Total 0

**SB 125** - Representative Fagg moved SB 125 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Gervais, Gilbert, Grady, Grimes, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R.

Johnson, Kadas, Kasten, Knox, Larson, Mason, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 90

Noes: Benedict, Bergsagel, DeBruycker, Feland, Galvin, Grinde, McCaffree, Rehbein.  
Total 8

Voted Absentee: Gervais, Tuss, Ayes.

Excused: Vogel.  
Total 1

Absent or not voting: Keller.  
Total 1

**SB 193 and SB 194** - Representative Brooke moved consideration of both SB 193 and SB 194 be placed at the bottom of the second reading board. Motion carried.

**SB 306** - Representative Ellis moved SB 306 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 99

Noes: None.  
Total 0

Voted Absentee: Gervais, Tuss, Ayes.

Excused: Vogel.  
Total 1

Absent or not voting: None.  
Total 0



**SB 307** - Representative Ellis moved SB 307 be concurred in. Motion carried as follows:

Ayes: Anderson, Bardanouve, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 89

Noes: Bachini, Barnett, Bergsagel, Clark, Cobb, Gilbert, Hayne, Peck, Peterson, Smith.

Total 10

Voted Absentee: Gervais, Tuss, Ayes.

Excused: Vogel.

Total 1

Absent or not voting: None.

Total 0

**SB 312** - Representative Smith moved SB 312 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 98

Noes: None.

Total 0

Voted Absentee: Gervais, Tuss, Ayes.

Excused: Vogel.

Total 1

Absent or not voting: Benedict.

Total 1

**SJR 2** - Representative Hibbard moved SJR 2 be concurred in. Motion failed as follows:

Ayes: Anderson, Bardanouve, Barnett, Barnhart, Benedict, Bird, Boharski, Bohlinger, Brandewie, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dowell, Elliott, Foster, Grady, Grimes, H.S. Hanson, M. Hanson, Harrington, Hayne, Hibbard, J. Johnson, R. Johnson, Keller, Knox, Larson, L. Nelson, Orr, Pavlovich, Peterson, Quilici, Ream, J. Rice, Rose, Ryan, Sayles, Smith, Spring, Strizich, Tuss, Wagner, Wallin, Winslow.

Total 47

Noes: Bachini, Bergman, Bergsagel, Brooke, DeBruycker, Dolezal, Driscoll, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Galvin, Gervais, Gilbert, Grinde, Hansen, Harper, Herron, Kadas, Kasten, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, T. Nelson, Peck, Raney, Rehbein, S. Rice, Russell, Schwinden, Schye, Simon, Simpkins, Squires, Stanford, Stovall, Swanson, Tash, Toole, Tunby, Wanzenried, Whalen, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 52

Voted Absentee: Tuss, Aye; Gervais, No.

Excused: Vogel.

Total 1

Absent or not voting: None.

Total 0

Representative Grinde moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman Dolezal moved the adoption of the committee report. Report adopted. (80-11)

### THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 525** passed as follows:

Ayes: Anderson, Bardanouve, Barnett, Barnhart, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Clark, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Gervais, Grady, Grimes, Hansen, M. Hanson, Harper, Harrington, Hayne, Hibbard, J. Johnson, R. Johnson, Kadas, Knox, Larson, McCarthy, McCulloch, Menahan, Mills, T. Nelson, Orr, Pavlovich, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Wagner, Wallin, Whalen, Winslow, Wiseman, Wyatt, Mr. Speaker.

Total 74

Noes: Bachini, Benedict, Bergsagel, Brown, Cobb, DeBruycker, Feland, Galvin, Gilbert, Grinde, H.S. Hanson, Herron, Kasten, Mason, McCaffree, Molnar, L. Nelson, Peck, Peterson, Rehbein, Simpkins, Smith, Wanzenried.  
Total 23

Voted Absentee: Gervais, Tuss, Ayes.

Excused: Vogel.

Total 1

Absent or not voting: Keller, Zook.

Total 2

**HB 574** passed as follows:

Ayes: Anderson, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Bohlinger, Brandewie, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, L. Nelson, T. Nelson, Orr, Pavlovich, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Russell, Ryan, Sayles, Schwinden, Schye, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Wallin, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 85

Noes: Bachini, Bergsagel, Boharski, Cobb, Dowell, Feland, Molnar, Peck, Rehbein, Rose, Wagner, Wanzenried.  
Total 12

Voted Absentee: Gervais, Tuss, Ayes.

Excused: Vogel.

Total 1

Absent or not voting: Keller, Simon.

Total 2

**SB 25** concurred in as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 98

Noes: Feland.

Total 1

Voted Absentee: Gervais, Tuss, Ayes.

Excused: Vogel.

Total 1

Absent or not voting: None.

Total 0

**SB 142** concurred in as follows:

Ayes: Anderson, Bachini, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Bohlinger, Brandewie, Brooke, Brown, Cobb, Daily, Davis, DeBruycker, Elliott, Ellis, Endy, Fagg, Feland, Fisher, Foster, Galvin, Gilbert, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kasten, Keller, Knox, Larson, Mason, McCarthy, McCulloch, Menahan, Mills, Molnar, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Ream, J. Rice, S. Rice, Rose, Sayles, Schwinden, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Swanson, Tash, Toole, Tunby, Tuss, Wagner, Wallin, Whalen, Winslow, Wiseman, Zook, Mr. Speaker.

Total 77

Noes: Bardanouve, Boharski, Clark, Cocchiarella, Dolezal, Dowell, Driscoll, Ewer, Hansen, Harper, Kadas, McCaffree, L. Nelson, Raney, Rehbein, Russell, Ryan, Schye, Strizich, Wanzenried, Wyatt.

Total 21

Voted Absentee: Tuss, Aye.

Excused: Gervais, Vogel.

Total 2

Absent or not voting: None.

Total 0

**SB 67**, Governor's amendments, concurred in as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.



Total 92

Noes: Bergsagel, Clark, Dowell, Feland, L. Nelson, Rehbein, Smith.

Total 7

Voted Absentee: Gervais, Tuss, Ayes.

Excused: Vogel.

Total 1

Absent or not voting: None.

Total 0

### MOTIONS

Representative R. Johnson moved he be allowed to change his vote on HB 525, third reading, from aye to no. Motion carried.

### UNFINISHED BUSINESS

Representative Grinde reported that the Rules Committee decided that SB 145 was appropriately before the House. Therefore SB 145 was referred to the Committee on Highways and Transportation.

Representative Brown wanted it noted that he disagreed with the committee's decision.

### REPORTS OF STANDING COMMITTEES

AGRICULTURE, LIVESTOCK, AND IRRIGATION (Keller, Chairman):

3/9/93

**SB 383**, third reading copy, be concurred in. Report adopted.

**SB 393**, third reading copy, be concurred in. Report adopted.

FISH AND GAME (Foster, Chairman):

3/10/93

**SB 199**, third reading copy, be concurred in. Report adopted.

**SJR 3**, third reading copy, be amended as follows:

1. Title, line 7.

Following: "THE"

Insert: "NECESSARY"

2. Title, lines 7 through 18.

Following: "TO" on line 7

Strike: remainder of line 7 through "HABITAT" on line 18

Insert: "THE STATE OF MONTANA"

3. Page 2, line 16.

Strike: "MULTIPLE-USE AND"

4. Page 2, line 18.

Following: "RANGE"

Insert: "and that those federal agencies analyze the impacts of wolf recovery on other land uses"

5. Page 3, line 1.

Insert: "(3) That the U.S. Department of Agriculture Animal and Plant Health Inspection Service be strongly encouraged to continue funding of a wolf specialist in their Animal Damage Control Division in Montana."

Renumber: subsequent subsections

And, as amended, be concurred in. Report adopted.

TAXATION (Gilbert, Chairman):

3/10/93

**HB 467**, introduced bill, be amended as follows:

1. Page 8, line 1.

Following: "(1983))"

Insert: "or the Indian Mineral Development Act of 1982 (25 U.S.C. 2101 through 2108 (1983))"

2. Page 9, lines 5 through 10.

Strike: "," on line 5 through the second "that" on line 10

Insert: "that are owned by an Indian tribe or tribal member or held in trust for an Indian tribe or tribal member by the United States and that are located within the tribe's or tribal member's reservation or otherwise considered part of the"

And, as amended, do pass. Report adopted.

**HB 658**, introduced bill, be amended as follows:

1. Title, lines 9 and 10.

Strike: "PROVIDING THAT THE ASSESSMENT IS NONREFUNDABLE"

Insert: "DELETING THE PROVISION THAT ALLOWED A REFUND OF ASSESSMENTS"

2. Page 3, line 14.

Strike: "-- refund -- nonrefundability"

3. Page 5, lines 6 through 18.

Strike: subsection (4) in its entirety

4. Page 5, line 22.

Following: "act]"

Insert: "or to preclude entry into an agreement for collection of the wheat and barley assessment after [the effective date of this act]"

5. Page 5.

Following: line 22

Insert: "NEW SECTION. Section 4. Severability. If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications."

Renumber: subsequent section

And, as amended, do pass. Report adopted.

**SB 168**, third reading copy, be concurred in. Report adopted.

**SB 228**, third reading copy, be amended as follows:

1. Page 8, line 8.

Following: "balance"

Insert: ", less claims anticipated for board approval within the next 90 days,"

And, as amended, be concurred in. Report adopted.

**SB 269**, third reading copy, be concurred in. Report adopted.

### **FIRST READING AND COMMITMENT OF BILLS AND RESOLUTIONS**

The following House bills were introduced, read first time, and referred to committee:

**HB 669**, introduced by Fagg, Bardanouve, referred to Committee on Taxation

**HB 670**, introduced by Boharski, T. Nelson, S. Rice, Simon, Benedict, Harp, Hibbard, Barnhart, Franklin, Eck, referred to Committee on Taxation

### **SPECIAL ORDERS OF THE DAY**

The Governor of the State of Montana signed a proclamation stating that the month of March was "Professional Social Work Month".

Representative Brooke acknowledged Representative Russell's Social Worker of the Year Award given during the Social Work Month by the Montana State Chapter of the National Association of Social Workers. Only once before has the committee selected two social workers for this prestigious honor.

Illustrating the unique and diverse ways social workers enhance the quality of life for all Montanans and contribute to the profession of social work, Angela Russell reflects the outstanding caliber of social workers in the state. She shared this award with Ken Kleven.

### **ANNOUNCEMENTS**

Committee meetings were announced by committee chairmen.

Representative Grinde moved the House adjourn until 11:00 a.m., Thursday, March 11, 1993. Motion carried.

House adjourned at 3:03 p.m.

John Mercer, Speaker

Marilyn Miller, Chief Clerk

## **FIFTY-FIFTH LEGISLATIVE DAY**

Helena, Montana  
March 11, 1993

House Chambers  
State Capitol

House convened at 11:00 a.m. Mr. Speaker in the Chair.

Roll call. All members present except Hayne, excused. Quorum present.

### **SPECIAL ORDERS OF THE DAY**

JOINT SESSION OF THE 53RD LEGISLATURE  
STATE OF INDIAN NATIONS ADDRESS  
CHAMBER OF THE HOUSE OF REPRESENTATIVES  
MARCH 11, 1993

Sergeant-at-Arms Meadors escorted elected officials and guests into the House Chamber.

Sergeant-at-Arms Meadors escorted members of the Senate into the House Chamber.

Speaker Mercer introduced President Van Valkenburg and yielded the Chair to him.

Senator Jergeson moved the body resolve itself into a joint session for the purpose of receiving the State of Indian Nations Address. Motion carried.

Senator Jergeson moved President Van Valkenburg be authorized to appoint a committee of four to notify Earl Old Person, Chairman of the Blackfeet Tribe, that the House and Senate are in joint session and ready to receive the State of Indian Nations address. Motion carried.

President Van Valkenburg appointed Senators Gage and Yellowtail and Representatives Gervais and Stovall and discharged them to escort Chairman Old Person to the House Chamber.

Chairman Old Person was escorted to the rostrum by the escort committee.

Madame Chair Clara Nomee of the Crow Tribe gave the Invocation. The Pledge of Allegiance to the Flag followed.

After being presented to the members of both houses by President Van Valkenburg, Chairman Old Person delivered the following address:

Honorable Governor Marc Racicot

Honorable Members of the Montana State Legislature

Distinguished Members of State Office

My Fellow Tribal Leaders and Tribal Members of the State of Montana

Ladies & Gentlemen:



It is indeed an honor to be selected by my fellow Tribal Chairmen and Tribal Leaders of the State of Montana to give the State of Indian Nations address here today.

The Natives throughout the Nation as well as the Natives of the State of Montana are again hoping for new things to happen for the Indian people and our reservations because of the new administration that is now in office.

Too many times our hopes are always up when a new government comes in, but we always find ourselves back in the same predicament that we are always in.

It has become very complicated to live in this country, especially by the Indian people, because of the many laws which are constantly being created. This is a never ending process and unless you are within the political realm, you will never have the opportunity to be up front where these decisions and laws are made. The Indian people are never within the place where the recognition is.

We often talk about unity and dialogue, working together on government to government basis, but we still see that separation take place. The laws I have referred to, too often are applied against the Indian people, Tribes and Indian reservations. This causes the Indian people to never advance themselves in this society.

During the 500 years since the discovery of this country called America, by Columbus, as said, he also discovered that there were people here already. These were the natives of this land, this is the reason we say we didn't come here, we were here.

From this time on our ancestors and the Indian people of today began their struggle. They tried in every way to overcome the many obstacles that confronted them. Our ancestors were dealt with in many ways so they would give up their land. But the natives were determined to fight for their existence and to keep their land.

Our people were asked to put away their weapons and make peace. Which they did. The white man began making treaties and agreements with the natives. This allowed them to gain more access to the land and become more forceful in their conquest. Those treaties were no longer recognized. They were broken. This caused the natives of this country to have distrust and fear of our government. We have had a lot of claims against the United States government by the Indian Tribes because of how our treaties and agreements were recognized and treated by the government.

My people were told that they would be given help as far as health, education and economic development. But today the Indian people are still trying to find the help that was promised to them and has not been received except in a very small way.

The most important part of our lives is health, not only for the Indian people, but all people. If we do not have good health we will not be able to

function as we would like to. Too many times rules and regulations and not enough funds hinder our people from being part of the health care program. Today we have health related problems confronting our people such as drugs, alcohol, and other new diseases that are coming within our areas. We, the Indian people, are doing our best to follow directions that are given to us to help prevent our people from becoming victims of these sicknesses. But too many times we find that we have to qualify to certain things in order to get the kind of help that is needed. Most of the problem we have is not enough funds.

Education is considered to be very important for our children and young people. We are encouraging our young people to get the kind of education that they can use. This is their future. We cannot accommodate our young people and the upcoming generation with the reservations that we live on because of the increase in population and our lands are limited in size. Therefore, the only future we see for our children is a higher education and a profession of some kind. Whatever they gain through education, no one can take from them.

We lack the kind of help needed to have our children continue their education, mostly because there is never enough funds to help them with. There are a lot of young people who went out and took it as a challenge and found ways of getting financial assistance in order to get their education. But not all can do this, especially in this day and age when all things are becoming so difficult in obtaining.

Although we are going forward in life, we still hold on to our religious way of life which our ancestors left with us. We are attempting to maintain our values and Indian religion. We strongly recognize and want to maintain and preserve sacred places within our areas that our people in the past used to seek for higher powers and spiritual direction through visions and dreams. Today those sacred places are threatened by people through companies to come and destroy and damage our sacred places. Today there may be some of our Natives who do not use the white man's way of religion. But they are not out to destroy them, instead they respect them. And that is all that we ask of you, that you respect our sacred lands. Let them be, and let us continue looking to them as our way of belief and way of life.

This has been the way of our life in this country that was owned by our ancestors. There is a word that is used many times and that word is jurisdiction. It is often used on us as Indian people whenever the government agencies that we are dealing with want to use or take from our land or control the land, they claim that they have jurisdiction. But when we want something or need assistance from our government they claim that they have no jurisdiction.

One of the things that the Indian people became very interested in was gaming. The Tribes have become aware of what gaming can do for the Indian Tribes as far as bringing finances to our reservations, to help with the economy which is badly needed. Employment is one of the greatest needs, not only on the reservations, but also nationwide. I believe the unemployment problem is greater on the reservation.

We thought we had everything that was needed to actually become involved in the gaming industry. We soon found out that some law was dug out prohibiting the Tribes from becoming involved. Today we, the Tribes of Montana, are still trying to make a deal with our state government on the gaming issue. We are hoping that certain legislation will prevail in our favor.

Why do the Indian people talk about taxes on the reservation? How can they be part of taxing in certain areas, where they have right to do so? It is because of our unemployment situation and lack of services to our people and programs. If we could begin to see that there are equal services within our reservation, we would not have to talk about taxes.

All we ask is, let us have a voice and determine for ourselves what can be done with our lands and its resources such as gambling, water rights, taxation, hunting, fishing and various other issues. As mineral develops on our reservation, coal, oil and gas, etc.

Let us begin to show that respect and trust to one another. Communication is the most important part of our lives and being true to one another gives us a better understanding of what we stand for and the goals we want to reach.

Today we have a number of bills in both houses pertaining to Indian Tribes of the State of Montana. We ask that these bills prevail and become a reality to accommodate the efforts and the desires of my fellow Indian people of the State of Montana. If not, then we need to look to other governments to begin dealing with, such as our federal government direct.

Help our young people who want to help themselves through higher education right from our tribally owned community colleges to all of our college institutions within the State of Montana.

I ask our Honorable Governor of the State of Montana and the Honorable State Legislature, please stand with us in making that path real for our young people and help set the destiny for our children. Let us clear those obstacles that may cause them not to be able to obtain their goals in education. This is their only way to succeed.

We have people back on our reservations who are dependent upon our leadership and the things that we can find to make their days easier. We would like to be able to assure them that there is another tomorrow for them. I am speaking of the elderly, the handicapped, and the sick and also to those people who unfortunately did not have the opportunity to have a profession to help themselves. They still have a right to exist.

The Indian people try to abide by and follow directions that were asked of them. But still that did not help in how they were being recognized. Except to sit on the sidelines, watching others progressing and advancing themselves to success by our resources.

I ask in this new hope and new beginning, stand with us. Work with our Native members to whom we are grateful to in their job of being a voice of the Indian people in the State Legislature of Montana.

Let us assure our people from the reservations that things can and will happen for them through joint efforts of the people of the State of Montana.

Madame Chair Clara Nomee sang the Benediction. Madame Chair Clara Nomee and Chairman Old Person were escorted from the House Chamber by the escort committee.

Sergeants-at-Arms Meadors and Regan escorted the distinguished guests from the House Chamber.

Senator Jergeson moved the joint session of the 53rd Legislature be adjourned. Motion carried.

Members of the Senate retired from the House Chamber.

House resumed, Mr. Speaker in the Chair.

Representative Grinde moved the House recess until 1:30 p.m. Motion carried.

House recessed at 11:56 a.m.

House reconvened at 1:30 p.m. Mr. Speaker in the Chair.

Invocation by Representative Foster. Pledge of Allegiance to the Flag.

Roll call. All members present except Gervais, McCarthy, excused. Quorum present.

Mr. Speaker: We, your committee on Legislative Administration/Bills and Journal, having examined the daily journal for the fifty-third legislative day, find the same to be correct.

Harriet Hayne, Chairman

## REPORTS OF STANDING COMMITTEES

BILLS (Hayne, Chairman): 3/11/93  
Correctly printed for second reading: HB 19, HB 467, HB 474, HB 500, HB 579, HB 608, HB 632, HB 646, HB 658.  
Correctly engrossed for third reading: HB 482, SB 52, SB 92, SB 117, SB 125, SB 270, SB 306, SB 307, SB 312, SB 349, SB 372, SB 390, SJR 26.  
Correctly enrolled: HB 22, HB 24.  
Signed by the Speaker at 6:00 p.m., 3/10/93: HB 22, HB 24, HB 35, HB 44, HB 58, HB 93, HB 111, HB 122, HB 223, HB 289, HB 291, HB 297, HB 312, HB 377, SB 89, SB 116, SB 152, SB 175, SB 183, SB 187, SB 188, SB 227.



Examined by the sponsor and found to be correct:

HB 43 - McCulloch

HB 104 - Rose

HB 125 - Vogel

AGRICULTURE, LIVESTOCK, AND IRRIGATION (Keller, Chairman):

3/10/93

**SB 350**, third reading copy, be amended as follows:

1. Page 5, line 23.

Following: "may"

Insert: "also"

2. Page 5, lines 23 and 24.

Following: "charge" on line 23

Strike: the remainder of line 23 through "and" on line 24

3. Page 6, line 24.

Following: "may"

Insert: "also"

4. Page 6, line 24 through page 7, line 1.

Following: "charge" on page 6, line 24

Strike: the remainder of line 24 through "and" on page 7, line 1

And, as amended, be concurred in. Report adopted.

NATURAL RESOURCES (Knox, Chairman):

3/11/93

**SB 214**, third reading copy, be amended as follows:

1. Title, line 14.

Following: second ";

Insert: "AND"

2. Title, line 15.

Following: "MCA"

Strike: ".1" through "DATE"

3. Page 2, lines 12 and 15.

Following: "through"

Insert: "7 and"

4. Page 2, line 21.

Following: "any"

Insert: "natural"

Following: "structure"

Insert: "that is"

5. Page 2, line 23.

Following: "shelter"

Insert: "and that communicates with a subterranean passage or drainage system"

6. Page 4, line 1.

Following: "unlawful."

Strike: "A"

Insert: "(1) Except as provided in subsection (2), a"

ReNUMBER: subsequent subsections

7. Page 4, lines 2 and 3.

Following: "knowingly" on line 2

Strike: ", without" through "owner" on line 3

8. Page 4, line 4.

Strike: "(1)"

Insert: "(a)"

9. Page 4, line 9.

Strike: "(2)"

Insert: "(b)"

10. Page 4, line 12.

Strike: "(3)"

Insert: "(c)"

11. Page 4, line 13.

Following: "through"

Insert: "7 and"

12. Page 4, line 15.

Strike: "(4)"

Insert: "(d)"

13. Page 4.

Following: line 16

Insert: "(2) The provisions of subsection (1) do not apply to a cave owner or the owner's authorized agent, officer, employee, or designated representative who undertakes work to improve or control physical access to the cave."

14. Page 6, line 24.

Strike: "8"

Insert: "7"

15. Page 7.

Following: line 2

Insert: "NEW SECTION. Section 10. Codification instruction. [Sections 1 through 7 and 9] are intended to be codified as an integral part of Title 23, chapter 2, and the provisions of Title 23, chapter 2, apply to [sections 1 through 7 and 9]."

16. Page 7, lines 3 and 4.

Strike: Section 10 in its entirety

And, as amended, be concurred in. Report adopted.

**SB 282**, third reading copy, be concurred in. Report adopted.  
**SB 284**, third reading copy, be concurred in. Report adopted.  
**SB 296**, third reading copy, be amended as follows:

1. Page 1, lines 17 through 20.

Strike: "and" on line 17 through "inspections" on line 20

2. Page 3, line 9.

Following: "~~times~~"

Insert: ", and the department has access to these wells at reasonable times"

3. Page 3, line 10.

Strike: "(i)"

4. Page 3, lines 14 through 20.

Strike: "(ii)" on line 14 through "standards." on line 20

And, as amended, be concurred in. Report adopted.

**SB 319**, third reading copy, be concurred in. Report adopted.

#### MESSAGES FROM THE SENATE

House bills concurred in and returned to the House:

3/10/93

**HB 293**, introduced by McCarthy

**HB 372**, introduced by S. Rice

**HB 435**, introduced by Sayles

**HB 502**, introduced by Barnett

House bills concurred in as amended and returned to the House for  
concurrence in Senate amendments:

3/10/93

**HB 255**, introduced by Anderson

**HB 648**, introduced by Anderson

House amendments to Senate bill not concurred in:

3/10/93

**SB 58**, introduced by Swift

#### FIRST READING AND COMMITMENT OF BILLS AND RESOLUTIONS

The following House bills were introduced, read first time, and referred to  
committee:

**HB 672**, introduced by Hibbard, Ewer (by request of the House Select  
Committee on Workers' Compensation), referred to Select Committee on  
Workers' Compensation

**HB 673**, introduced by Menahan, Harrington, referred to Committee on  
State Administration

**HB 674**, introduced by Bergsagel (by request of the Joint Subcommittee on  
Long Range Planning), referred to Committee on Appropriations

**HB 675**, introduced by Bergsagel (by request of the Joint Subcommittee on Long Range Planning), referred to Committee on Appropriations

**HB 676**, introduced by Fisher, Peterson (by request of the Joint Subcommittee on General Government and Transportation), referred to Committee on Appropriations

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Sayles in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**SB 108** - Representative Winslow moved SB 108, third reading copy, be amended as follows (amendment #1):

1. Page 2, line 12.

Following: line 11

Insert: "(4) Unless, in a youth court or criminal proceeding, a youth is found to have committed an act that would be a felony if committed by an adult, the arresting law enforcement agency may not disseminate the youth's fingerprint records or photographs. That agency shall destroy any fingerprint records and photographs that it holds if the youth is not found to have committed such an act."

Amendment #1 passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Ellis, Endy, Ewer, Fisher, Foster, Galvin, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Knox, Larson, Mason, McCaffree, McCulloch, Menahan, Mills, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 92

Noes: Bergman, Fagg, Feland, Molnar.  
Total 4

Excused: Gervais, McCarthy.  
Total 2

Absent or not voting: Elliott, Keller.  
Total 2



Representative Bird moved SB 108, as amended, be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 95

Noes: Bergsagel, Gervais, Ryan.

Total 3

Voted absentee: Gervais, No.

Excused: McCarthy.

Total 1

Absent or not voting: Sayles.

Total 1

**SB 193** - Representative Brooke moved SB 193 be concurred in. Motion carried as follows:

Ayes: Anderson, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Gilbert, Grimes, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCulloch, Menahan, Mills, Molnar, Orr, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Russell, Ryan, Sayles, Schwinden, Simon, Simpkins, Smith, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 83

Noes: Bachini, Bergsagel, Driscoll, Feland, Grinde, Herron, T. Nelson, Pavlovich, Peck, Peterson, Rose, Spring.

Total 12

Voted Absentee: Gervais, Aye.

Excused: McCarthy.

Total 1

Absent or not voting: Bardanouve, Grady, L. Nelson, Schye.

Total 4

**SB 194** - Representative Brooke moved SB 194 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Gilbert, Grimes, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 90

Noes: Bergsagel, Driscoll, Feland, Grinde, Rose, Spring.  
Total 6

Voted Absentee: Gervais, Aye.

Excused: McCarthy.  
Total 1

Absent or not voting: Bardanouve, Grady, Tuss.  
Total 3

**SJR 17** - Representative Endy moved SJR 17 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Grady, Grimes, Hansen, H.S. Hanson, Harper, Harrington, Herron, Hibbard, J. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCulloch, Menahan, Mills, L. Nelson, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 85

Noes: Benedict, Bergsagel, Feland, Gilbert, Grinde, M. Hanson, Hayne, R. Johnson, Molnar, T. Nelson, Orr, Rehbein, Simpkins, Wagner.  
Total 14

Voted Absentee: Gervais, Aye.

Excused: McCarthy.  
Total 1

Absent or not voting: None.  
Total 0

**SJR 19** - Representative Spring moved SJR 19 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 93

Noes: Bergsagel, Feland, R. Johnson, Rehbein.  
Total 4

Voted Absentee: Gervais, Aye.

Excused: McCarthy.  
Total 1

Absent or not voting: Bardanouve, Gilbert.  
Total 2

**SJR 22** - Representative Grinde moved consideration of SJR 22 be passed for the day. Motion carried.

Representative McCarthy present at this time.

**SJR 27** - Representative Galvin moved SJR 27 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bird, Bohlinger, Brandewie, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Grimes, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, J. Johnson, Kadas, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 87

Noes: Bergman, Bergsagel, Boharski, Cobb, Feland, Gilbert, Herron, R. Johnson, Kasten, T. Nelson, Orr.  
Total 11

Voted Absentee: Gervais, Aye.

Excused: None.  
Total 0

Absent or not voting: Grady, Grinde.  
Total 2

**SB 120** - Representative Boharski moved consideration of SB 120 be passed for the day. Motion carried.

**SB 272** - Representative Clark moved SB 272 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanoue, Barnett, Barnhart, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 94

Noes: Bergsagel, Feland, Grinde, Rehbein, Spring.  
Total 5

Voted Absentee: Gervais, Aye.

Excused: None.  
Total 0

Absent or not voting: Benedict.  
Total 1

**SB 353** - Representative Barnett moved SB 353 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanoue, Barnett, Barnhart, Benedict, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar,



L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 98

Noes: Bergsagel.

Total 1

Voted Absentee: Gervais, Aye.

Excused: None.

Total 0

Absent or not voting: Bergman.

Total 1

**SB 362** - Representative Brandewie moved consideration of SB 362 be passed for the day. Motion carried.

**SB 386** - Representative Hansen moved SB 386 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 96

Noes: Bergsagel, Feland, Peterson, Rehbein.

Total 4

Voted Absentee: Gervais, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 411** - Representative Brandewie moved SB 411 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 94

Noes: Bergsagel, DeBruycker, Fisher, Kasten, Rehbein, Rose.

Total 6

Voted Absentee: Gervais, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Grinde moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman Sayles moved the adoption of the committee report. Report adopted. (81-6)

### THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 203**, Senate amendments, concurred in as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 96

Noes: Bergsagel.

Total 1

Voted Absentee: Gervais, Aye.

Excused: None.

Total 0

Absent or not voting: J. Johnson, S. Rice, Schye.

Total 3

**HB 436** passed as follows:

Ayes: Anderson, Bachini, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Vogel, Wagner, Wallin, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 94

Noes: Bergsagel, Galvin, McCaffree, Wanzenried.

Total 4

Voted Absentee: Gervais, Aye.

Excused: None.

Total 0

Absent or not voting: Bardanouve, Tuss.

Total 2

**HB 627** passed as follows:

Ayes: Anderson, Bachini, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt.

Total 95

Noes: Harper.

Total 1

Voted Absentee: Gervais, Aye.

Excused: None.

Total 0

Absent or not voting: Bardanouve, Stovall, Zook, Mr. Speaker.

Total 4

**SB 84** concurred in as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook.

Total 98

Noes: Bergsagel.

Total 1

Voted Absentee: Gervais, Aye.

Excused: None.

Total 0

Absent or not voting: Mr. Speaker.

Total 1

**SB 160** concurred in as follows:

Ayes: Bachini, Barnhart, Benedict, Bird, Bohlinger, Brandewie, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Fisher, Galvin, Gervais, Grady, Grinde, H.S. Hanson, M. Hanson, Harrington, Hibbard, J. Johnson, Keller, Knox, Larson, McCaffree, McCarthy, McCulloch, Menahan, Molnar, L. Nelson, T. Nelson, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, Ryan, Sayles, Schwinden, Simon, Simpkins, Smith, Spring, Squires, Stanford, Swanson, Tash, Tuss, Vogel, Wagner, Wanzenried, Whalen, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 66

Noes: Anderson, Barnett, Bergman, Bergsagel, Boharski, Brooke, DeBruycker, Ewer, Fagg, Feland, Foster, Gilbert, Grimes, Hansen, Harper, Hayne, Herron, R. Johnson, Kadas, Kasten, Mason, Mills, Orr, S. Rice, Rose, Russell, Schye, Stovall, Strizich, Toole, Tunby, Wallin, Winslow.

Total 33



Voted Absentee: Gervais, Aye.

Excused: None.

Total 0

Absent or not voting: Bardanoue.

Total 1

**SB 169** concurred in as follows:

Ayes: Anderson, Bachini, Bardanoue, Barnett, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 98

Noes: Barnhart, Bergsagel.

Total 2

Voted Absentee: Gervais, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 184** concurred in as follows:

Ayes: Anderson, Bachini, Bardanoue, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 96

Noes: Bergsagel, Driscoll, Harrington.

Total 3

Voted Absentee: Gervais, Aye.

Excused: None.

Total 0

Absent or not voting: Brandewie.

Total 1

**SB 207** concurred in as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Feland, Fisher, Foster, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Winslow, Wiseman, Wyatt, Zook.

Total 92

Noes: Bergsagel, Galvin, Harrington, Wanzenried, Whalen.

Total 5

Voted Absentee: Gervais, Aye.

Excused: None.

Total 0

Absent or not voting: Brown, Fagg, Mr. Speaker.

Total 3

**SB 259** concurred in as follows:

Ayes: Anderson, Bachini, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Russell, Ryan, Sayles, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 87

Noes: Dowell, Galvin, Hibbard, Larson, Molnar, L. Nelson, Rehbein, Rose, Schwinden, Schye, Wanzenried.

Total 11

Excused: Gervais.

Total 1

Absent or not voting: Bardanouve.

Total 1

**SB 315** concurred in as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 95

Noes: Brandewie, DeBruycker, Gilbert, Raney, Rehbein.

Total 5

Voted Absentee: Gervais, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 369** concurred in as follows:

Ayes: Anderson, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Daily, Davis, DeBruycker, Dolezal, Elliott, Ellis, Endy, Fagg, Feland, Foster, Galvin, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kasten, Keller, Knox, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peterson, Quilici, Rehbein, J. Rice, S. Rice, Rose, Ryan, Sayles, Schwinden, Schye, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Swanson, Tash, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Winslow, Wiseman, Zook, Mr. Speaker.

Total 78

Noes: Bachini, Bardanouve, Bergsagel, Cocchiarella, Dowell, Driscoll, Ewer, Fisher, Gervais, Harper, Harrington, Kadas, Larson, Peck, Raney, Ream, Russell, Simon, Strizich, Toole, Whalen, Wyatt.

Total 22

Voted Absentee: Gervais, No.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SJR 8** concurred in as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Foster, Galvin, Gervais, Grady, Grimes, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 92

Noes: Bergsagel, Cobb, Feland, Fisher, Gilbert, Grinde, Herron, Rehbein.  
Total 8

Voted Absentee: Gervais, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SJR 12** concurred in as follows:

Ayes: Anderson, Bachini, Barnett, Barnhart, Benedict, Bergman, Bird, Bohlinger, Brandewie, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Pavlovich, Peck, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 87

Noes: Bergsagel, Boharski, Cobb, Feland, Gilbert, Kasten, Larson, Orr, Peterson, Rehbein.  
Total 10

Voted Absentee: Gervais, Aye.



Excused: None.

Total 0

Absent or not voting: Bardanouve, Ellis, Squires.

Total 3

### MOTIONS

Representative Hibbard moved he be allowed to change his vote on HB 627, third reading, from aye to no. Motion carried.

### REPORTS OF STANDING COMMITTEES

BUSINESS AND ECONOMIC DEVELOPMENT (Benedict, Chairman):

3/11/93

**SB 331**, third reading copy, be concurred in. Report adopted.

**SB 419**, third reading copy, be concurred in. Report adopted.

**SB 420**, third reading copy, be concurred in. Report adopted.

SELECT WORKERS' COMPENSATION (Hibbard, Chairman):

3/9/93

**HB 13**, introduced bill, be amended as follows:

1. Title, lines 7 and 8.

Following: ";" on line 7

Strike: remainder of line 7 through ";" on line 8

2. Title, line 11.

Following: "ACT;"

Insert: "AUTHORIZING THE LEGISLATIVE AUDITOR TO REVIEW RATES  
AND EXAMINE THE STATE FUND EACH YEAR;"

3. Title, line 12.

Following: "17-7-502,"

Strike: "33-1-401"

Insert: "18-8-103"

4. Title, line 14.

Strike: "AN"

Strike: "DATE"

Insert: "DATES AND AN APPLICABILITY DATE"

5. Page 2, line 12.

Strike: "mutual"

6. Page 5, line 4 through page 6, line 9.

Strike: section 2 in its entirety

Insert: "Section 2. Section 18-8-103, MCA, is amended to read:

"18-8-103. Exemptions. This part does not apply to  
employment of:

(1) registered professional engineers, surveyors, real estate  
appraisers, or registered architects;

(2) physicians, dentists, or other medical, dental, or health  
care providers;

(3) expert witnesses hired for use in litigation, hearings officers hired in rulemaking and contested case proceedings under the Montana Administrative Procedure Act, or attorneys as specified by executive order of the governor;

(4) consulting actuaries to the public retirement boards or the state compensation insurance fund; or

(5) private consultants employed by the student associations of the university system with money raised from student activity fees designated for use by those student associations.""

7. Page 7, lines 7 and 8.

Following: "premium"

Strike: remainder of line 7 through "employer" on line 8

8. Page 8, line 6.

Following: "~~rates~~."

Insert: "The state fund must belong to the national council on compensation insurance and may use the classifications of employment adopted by a workers' compensation rating organization and corresponding rates as a basis for setting its own rates."

9. Page 11, line 2.

Following: "carry"

Insert: "the estimated cost of"

10. Page 11, lines 5 and 6.

Following: "July 1," on line 5

Strike: the remainder of line 5 through "standards" on line 6

Insert: "2003, a surplus of 25% of the annual premium"

11. Page 11, lines 7 and 8.

Strike: "insurance commissioner"

Insert: "legislative auditor"

12. Page 11, line 8.

Strike: "(1)"

13. Page 11, lines 8 and 9.

Following: "The" on line 8

Strike: "insurance commissioner"

Insert: "legislative auditor"

14. Page 11, line 10.

Strike: "or any rate changes"

15. Page 11, lines 11 through 17.

Following: "discriminatory." on line 11

Strike: remainder of line 11 through "13" on line 17

Insert: "Each year, the legislative auditor shall:

(1) examine the state fund beginning no sooner than October 1 following the end of the fiscal year; and

(2) report the findings of the examination and rate review to the governor, the legislature, and the board of directors of the state fund"

16. Page 11, line 20.

Strike: "that"

Insert: "as otherwise provided by law, and"

17. Page 12, line 2.

Strike: "budget"

Insert: "administrative expenditures"

18. Page 12, line 3.

Following: "of the"

Insert: "earned"

19. Page 12, lines 3 and 4.

Following: "annual" on line 3

Strike: "employer premiums"

Insert: "premium of the prior fiscal year"

20. Page 12, line 6.

Strike: "reserve"

Insert: "financial"

21. Page 12, line 7.

Strike: "prepared by the state fund's actuary"

22. Page 12, line 10.

Strike: "resources and"

Insert: "estimated"

23. Page 12, line 11.

Following: "fund"

Insert: "as determined by an independent actuary"

24. Page 12, line 23 through page 13, line 1.

Following: "[b]" on page 12, line 23

Strike: the remainder of line 23 through page 13, line 1 in their entirety

Insert: "All funds deposited in the state fund"

25. Page 15.

Following: line 2

Insert: "NEW SECTION. Section 12. Name change -- directions to code commissioner. Wherever the name "state compensation mutual insurance fund", meaning the fund established in 39-71-2313, appears in the Montana Code Annotated or in legislation enacted by the 1993 legislature, the code commissioner is directed to change the name to "state compensation insurance fund".

NEW SECTION. Section 13. Severability. If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more

of its applications, the part remains in effect in all valid applications that are severable from the invalid applications."

Renumber: subsequent sections

26. Page 15, line 8.

Strike: "date. [This act] is"

Insert: "dates -- applicability. (1) [Section 9 and this section] are effective on passage and approval, and [section 9] applies to the budget for fiscal year 1994.

(2) [Sections 1 through 8 and 10 through 14] are"

And, as amended, do pass and be referred to the House Committee on Labor and Employment Relations for its consideration as part of the Workers' Compensation package. Report adopted.

**HB 361**, introduced bill, be amended as follows:

1. Title, line 10.

Following: "CLAIMS;"

Insert: "REQUIRING INSURERS TO NOTIFY EMPLOYERS OF REOPENED CLAIMS;"

2. Title, lines 15 and 16.

Following: ";" on line 15

Strike: remainder of line 15 through ";" on line 16

3. Title, lines 17 through 20.

Following: ";" on line 17

Strike: remainder of line 17 through ";" on line 20

4. Title, line 22.

Following: "39-71-601,"

Insert: "39-71-606,"

5. Title, lines 23 and 24.

Strike: "39-71-741," on line 23

Strike: "39-71-1011," on line 24

6. Page 4, lines 24 and 25.

Strike: "diagnostic evidence, substantiated by clinical findings"

Insert: "verifiable findings demonstrated by accepted diagnostic procedures"

7. Page 5, line 1.

Strike: "clinical"

Insert: "verifiable"

8. Page 12, line 8.

Strike: "a compensable"

Insert: "an"

9. Page 12, line 9.

Following: "prolongs"

Strike: "the"



10. Page 12, line 11.

Strike: second "compensable"

Insert: "aggravating"

11. Page 12, line 12.

Following: "of"

Strike: "the"

12. Page 12, line 14.

Strike: "A"

Insert: "An insurer is not liable for a"

13. Page 12, line 14.

Strike: "is not compensable as a consequence of"

Insert: "arising after"

14. Page 12, line 16.

Following: "the"

Insert: "resultant"

15. Page 14, line 17.

Strike: "12"

Insert: "24"

Strike: "only"

16. Page 14, line 21.

Following: "(e)"

Insert: ":

(a) lack of knowledge of disability;

(b) latent injury; or

(c)"

17. Page 14, line 25.

Strike: "subsection"

Insert: "subsections"

Following: "(4)"

Insert: "and (5)"

18. Page 15, line 16.

Following: line 15

Insert: "(4) If the treating physician releases a worker to return to the same position, the worker is no longer eligible for temporary total disability benefits, regardless of availability of employment."

Renumber: subsequent subsections

19. Page 15, lines 17 and 18.

Following: "to" on line 17

Strike: remainder of line 17 through "same," on line 18

Following: "modified" on line 18

Strike: ", "

20. Page 16, line 19.

Strike: "(7)"

21. Page 16, line 22 through page 17, line 2.

Following: "1986:" on line 22, page 16

Strike: remainder of page 16 through line 2, page 17 in their entirety

22. Page 17, lines 13 and 14.

Strike: "as determined after a vocational rehabilitation evaluation"

23. Page 21, line 8.

Following: "body"

Insert: "or injuries to the same part of the body"

24. Page 21, line 13.

Strike: "or parts of the body injured"

25. Page 22, lines 12 and 13.

Strike: "wage supplement,"

26. Page 22, line 16.

Following: "award,"

Insert: ", any impairment award,"

27. Page 23, line 10.

Strike: "attributable to the compensable injury"

28. Page 23, line 25 through page 27, line 10.

Strike: section 11 in its entirety

Renumber: subsequent sections

29. Page 27, line 16.

Strike: the first "for"

Insert: "as a result of a conviction of"

30. Page 27, line 21 through page 31, line 8.

Strike: sections 13 through 16 in their entirety

Renumber: subsequent sections

31. Page 31, lines 11 and 12.

Following: "(1)" on line 11

Strike: remainder of line 11 through "disabled" on line 12

Insert: "An injured"

32. Page 31, lines 15 and 16.

Strike: "the worker has not returned to work"

Insert: "the injury results in permanent partial disability or permanent total disability as defined in 39-71-116"

33. Page 31, line 20.

Following: line 19

Insert: "(b) a physician certifies that the injured worker is physically unable to work at the job the worker held at the time of the injury;"

Renumber: subsequent subsections

34. Page 32, line 3.

Following: "~~insurer~~"

Insert: "between the injured worker and the insurer"

35. Page 32, lines 7 through 11.

Strike: subsection (2) in its entirety

Renumber: subsequent subsections

36. Page 32, line 13.

Strike: "~~disabled~~"

Insert: "injured"

37. Page 32, line 19.

Following: "~~upon~~"

Insert: "agreed-upon"

38. Page 33, line 16.

Insert: "(3) If the rehabilitation plan provides for job placement, a vocational rehabilitation provider shall assist the worker in obtaining other employment and the worker is entitled to weekly benefits for a period not to exceed 8 weeks at the worker's temporary total disability rate. If, after receiving benefits under this subsection, the worker decides to proceed with a rehabilitation plan, the weeks in which benefits were paid under this subsection may not be credited against the maximum of 104 weeks of rehabilitation benefits provided in this section.

(4) If there is a dispute as to whether an injured worker can return to the job the worker held at the time of injury, the insurer shall designate a rehabilitation provider to evaluate and determine whether the worker can return to the job held at the time of injury. If it is determined that the worker cannot, the worker is entitled to rehabilitation benefits and services as provided in subsection (2)."

Renumber: subsequent subsections

39. Page 34, line 14.

Strike: "~~(6)~~"

Insert: "(5)"

40. Page 36.

Following: line 2

Insert: "Section 14. Section 39-71-606, MCA, is amended to read:

"39-71-606. Insurer to accept or deny claim within thirty days of receipt -- notice of denial -- notice of reopening -- notice to employer. (1) Every insurer under any plan for the payment of workers' compensation benefits shall, within 30 days of receipt of a claim for compensation, either accept or deny the claim, and if denied shall inform the claimant and the department in writing of such denial.

(2) Every insurer under any plan for the payment of workers' compensation benefits shall notify the employer of the reopening of the claim within 14 days of the reopening of a claim for the purpose of paying compensation benefits.

(2)(3) Upon the request of an employer it insures, an insurer shall notify the employer of all compensation benefits that are ongoing and are being charged against that employer's account.""

Renumber: subsequent sections

41. Page 36, lines 9 through 13.

Strike: section 20 in its entirety

Renumber: subsequent section

And, as amended, do pass and be referred to the House Committee on Labor and Employment Relations for its consideration as part of the Workers' Compensation package. Report adopted.

**HB 511**, introduced bill, be amended as follows:

1. Page 1, line 25.

Following: "medical"

Insert: ", "

Following: "indemnity"

Insert: ", and rehabilitation"

2. Page 2, line 9.

Following: line 8

Insert: "(3) The workers' compensation data base system must be designed in accordance with the following principles:

(a) avoidance of duplication and inconsistency;

(b) reasonable availability of data elements;

(c) value of information collected to be commensurate with the cost of retrieving the collected information;

(d) uniformity to permit efficiency of collection and to allow interstate comparisons;

(e) a workable mechanism to ensure the accuracy of the data collected and to protect the confidentiality of collected data;

(f) reasonable availability of the data at a fair cost to the user;

(g) a broad application to plan No. 1, plan No. 2, and plan No. 3 insurers;

(h) compatibility with electronic data reporting;

(i) reporting procedures that can be handled through private data collection systems that adhere to the provisions of subsections (3)(a) through (3)(h);

(j) implementation of reporting requirements that allow reasonable lead time for compliance."

Renumber: subsequent subsection

And, as amended, do pass and be referred to the House Committee on Labor and Employment Relations for its consideration as part of the Workers' Compensation package. Report adopted.

**SB 163**, third reading copy, be concurred in and be referred to the House Committee on Labor and Employment Relations for its consideration as part of the Workers' Compensation package. Report adopted.



**SB 164**, third reading copy, be concurred in and be referred to the House Committee on Labor and Employment Relations for its consideration as part of the Workers' Compensation package. Report adopted.

**SB 258**, third reading copy, be amended as follows: 3/10/93

1. Page 3, line 18.

Following: "~~damages~~."

Insert: "If the insurer is entitled to subrogation under this section, the insurer may subrogate against the entire settlement or award of a third-party claim brought by the claimant or the claimant's personal representative without regard to the nature of the damages."

And, as amended, be concurred in and be referred to the House Committee on Labor and Employment Relations for its consideration as part of the Workers' Compensation package. Report adopted.

Representative Grinde moved the House recess until 2:45 p.m. Motion carried.

House recessed at 2:30 p.m.

House reconvened at 2:45 p.m. Mr. Speaker in the Chair.

SELECT WORKERS' COMPENSATION (Hibbard, Chairman): 3/11/93

**HB 587**, introduced bill, be amended as follows:

1. Title, line 9.

Strike: "GUIDELINES NOT SUBJECT TO"

Insert: "PROCEDURES OF"

2. Page 3, line 15.

Strike: "employers"

Insert: "an employer"

Strike: "are"

Insert: "is"

Following: "by"

Insert: "either a"

3. Page 3, line 16.

Strike: "carriers and"

Insert: "carrier or"

4. Page 4, line 11.

Following: line 10

Insert: "(6) Documents and other information concerning the committee's actions must be made available for public review in the office of the commissioner of insurance."

5. Page 4, line 19.

Following: line 18

Insert: "(b) make the final determination regarding the establishment of all classifications;"

Renumber: subsequent subsections

6. Page 5, lines 12 through 17.

Following: "subsection" on line 12

Strike: the remainder of line 12 through line 17

Insert: "(1)(e) must be an informal proceeding as provided in 2-4-604."

7. Page 5, line 18 through page 6, line 4.

Strike: subsections (b) and (c) in their entirety

Insert: "(b) A party aggrieved by a decision of the committee rendered after a hearing conducted pursuant to subsection (2)(a) may petition for judicial review of the decision pursuant to Title 2, chapter 4, part 7."

And, as amended, do pass and be referred to the House Committee on Labor and Employment Relations for its consideration as part of the Workers' Compensation package. Report adopted.

**HB 628**, introduced bill, be amended as follows:

1. Page 6, lines 22 and 23.

Following: "(d)"

Strike: the remainder of line 22 through "treatment" on line 23

Insert: "the department determines, upon application by the insurer or the claimant and following consultation with the insurer, the claimant, or the claimant's attorney, and the treating physician"

2. Page 7, line 3.

Following: "the"

Strike: "insurer"

Insert: "department"

And, as amended, do pass and be referred to the House Committee on Labor and Employment Relations for its consideration as part of the Workers' Compensation package. Report adopted.

**SB 347**, third reading copy, be amended as follows:

1. Page 15, line 6.

Following: "for"

Insert: "20%, but not to exceed"

Following: "\$10"

Insert: ", "

2. Page 15, line 8.

Following: "disease"

Insert: ", unless the visit is to a medical service provider in a managed care organization as requested by the insurer or is a visit to a preferred provider as requested by the insurer"

3. Page 20, lines 3 and 4.

Following: "or" on line 3

Strike: the remainder of line 3 through "pharmacies," on line 4

4. Page 20, line 5.

Following: "goods"

Strike: ", "

Following: "and"

Strike: "other"

5. Page 27, line 8.

Following: "prohibition."

Strike: "A"

Insert: "Unless authorized by the insurer, a"

6. Page 27, lines 9 and 10.

Following: "facility" on line 9

Strike: the remainder of line 9 through "practice" on line 10

And, as amended, be concurred in and be referred to the House Committee on Labor and Employment Relations for its consideration as part of the Workers' Compensation package. Report adopted.

**SB 394**, third reading copy, be amended as follows:

1. Page 1, line 12.

Following: "claimant"

Insert: ", an employer,"

2. Page 1, line 17.

Strike: "claimant"

Insert: "party"

3. Page 1, line 18.

Following: "(2)"

Insert: "Fees charged by an attorney representing a claimant are limited as provided by subsections (2) through (5)."

4. Page 1, line 23.

Following: "\$7500"

Insert: "per claim"

5. Page 3, line 12.

Following: line 11

Insert: "(6) Fees charged by an attorney representing a party other than a claimant may not exceed \$75 an hour, subject to a maximum fee of \$7,500 per claim. The fee arrangement is subject to approval by the department."

Renumber: subsequent subsections

6. Page 3, lines 13 and 14.

Following: "arrangement" on line 13

Strike: the remainder of line 13 through "claimant" on line 14

7. Page 3, line 16.

Page 3, line 17.

Strike: "claimant"

Insert: "party"

8. Page 4, lines 2 and 3.

Following: "benefits" on line 2

Strike: the remainder of line 2 through "attorney" on line 3

Insert: "paid"

And, as amended, be concurred in and be referred to the House Committee on Labor and Employment Relations for its consideration as part of the Workers' Compensation package. Report adopted.

### **FIRST READING AND COMMITMENT OF BILLS AND RESOLUTIONS**

The following House bill was introduced, read first time, and referred to committee:

**HB 671**, introduced by Gilbert, Elliott, Bird, Driscoll, Grinde, Schye, Mercer, Peterson, referred to Committee on Taxation

### **ANNOUNCEMENTS**

Committee meetings were announced by committee chairmen.

Representative Grinde moved the House adjourn until 1:30 p.m., Friday, March 12, 1993. Motion carried.

House adjourned at 2:47 p.m.

John Mercer, Speaker

Marilyn Miller, Chief Clerk





## FIFTY-SIXTH LEGISLATIVE DAY

Helena, Montana  
March 12, 1993

House Chambers  
State Capitol

House convened at 1:30 p.m. Mr. Speaker in the Chair. Invocation by Representative Bird. Pledge of Allegiance to the Flag.

Roll call. All members present except McCarthy, Russell, Squires, excused. Quorum present.

### SPECIAL ORDERS OF THE DAY

Ms. Roxanne Klingensmith of Bozeman made a historical presentation on Jeanette Rankin in commemoration of Women's History Month.

### REPORTS OF STANDING COMMITTEES

BILLS (Hayne, Chairman): 3/12/93  
Correctly printed for second reading: HB 13, HB 361, HB 511, HB 587, HB 628.  
Correctly engrossed for third reading: SB 108, SB 193, SB 194, SB 272, SB 353, SB 386, SB 411, SJR 17, SJR 19, SJR 27.  
Correctly enrolled: HB 18, HB 43, HB 104, HB 125, HB 127, HB 197.  
Signed by the Speaker at 10:00 a.m., 3/12/93: HB 18, HB 43, HB 104, HB 125, HB 127, HB 197.  
Examined by the sponsor and found to be correct:  
HB 18 - R. Johnson  
HB 127 - Peck  
HB 197 - Quilici

APPROPRIATIONS (Zook, Chairman): 3/12/93  
**HB 656**, introduced bill, do pass. Report adopted.  
**HB 659**, introduced bill, do pass. Report adopted.

FISH AND GAME (Foster, Chairman): 3/12/93  
**SB 81**, third reading copy, be concurred in. Report adopted.  
**SB 418**, third reading copy, be concurred in. Report adopted.

JUDICIARY (Fagg, Chairman): 3/11/93  
**SB 68**, third reading copy, be concurred in. Report adopted.  
**SB 150**, third reading copy, be amended as follows:

1. Page 10, line 1.  
Following: "order"  
Insert: "is"

And, as amended, be concurred in. Report adopted.

**SB 173**, third reading copy, be concurred in. Report adopted.  
**SB 336**, third reading copy, be concurred in. Report adopted.

LOCAL GOVERNMENT (Wallin, Chairman): 3/12/93  
**SB 103**, third reading copy, be concurred in. Report adopted.  
**SB 139**, third reading copy, be amended as follows:

1. Page 1, line 18 and line 24.

Following: "guaranteed"

Insert: "by the United States or by an agency of the United States"

And, as amended, be concurred in. Report adopted.

**SB 244**, third reading copy, be concurred in. Report adopted.

TAXATION (Gilbert, Chairman):

3/11/93

**SB 322**, third reading copy, be concurred in. Report adopted.

**SB 325**, third reading copy, be concurred in. Report adopted.

### MESSAGES FROM THE SENATE

House bills concurred in and returned to the House:

3/11/93

**HB 211**, introduced by Brooke

**HB 403**, introduced by Bird

House bills concurred in as amended and returned to the House for concurrence in Senate amendments:

3/11/93

**HB 27**, introduced by Squires

**HB 410**, introduced by Simpkins

House bill not concurred in and returned to the House:

3/11/93

**HB 254**, introduced by McCaffree

Senate bill passed and transmitted to the House for concurrence:

3/11/93

**SB 412**, introduced by Aklestad

House amendments to Senate bill concurred in:

3/11/93

**SB 209**, introduced by Crippen

### FIRST READING AND COMMITMENT OF BILLS AND RESOLUTIONS

The following House bills were introduced, read first time, and referred to committee:

**HB 677**, introduced by R. Johnson, Peck (by request of the House Appropriations Committee), referred to Committee on Appropriations

**HB 678**, introduced by Kasten, Peck (by request of the House Appropriations Committee), referred to Committee on Appropriations

**HB 679**, introduced by Clark, Weeding, Galvin, Simpkins, Burnett, Wyatt, Grinde, Sayles, Gage, Rye, T. Nelson, Simon, D. Brown, Hertel, Rehbein, Harrington, Vogel, Swanson, M. Hanson, Squires, Driscoll, Hibbard, Tveit, Strizich, Larson, Swift, Jergeson, Keating, Ryan, Koehnke, Mills, J. Rice, Ellis, Tash, Wanzenried, Spring, Pavlovich, McCaffree, J. Johnson, Knox, Anderson, Menahan, Gilbert, Keller, Rose, Smith, Schye, Daily, Gervais, Hayne, Bergman, Dowell, McClernan, Rea, Brenden, Halligan, Cobb,

Hansen, Barnett, Stang, B. Brown, Beck, Devlin, Stanford, Peterson, L. Nelson, Mason, Bird, Towe, Stovall, DeBruycker, Quilici, Endy, Davis, Ream (by request of the House Highways Committee), referred to Committee on Highways and Transportation

**HJR 24**, introduced by Hibbard, Ream, Swanson, Elliott, Foster, M. Hanson, Knox, Orr (by request of the House Fish and Game Committee), referred to Committee on Fish and Game

The following Senate bill was introduced, read first time, and referred to committee:

**SB 412**, introduced by Aklestad, Feland, D. Brown, Lynch, Quilici, Pavlovich, Daily, Jacobson, Hayne, Rose, referred to Committee on Taxation

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Toole in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 482** - Representative Brown moved consideration of HB 482 be placed below SB 362 on the second reading board. Motion failed as follows: (44-47)

Representative Brown moved HB 482, third reading copy, be amended (amendment #1). Amendment #1 failed as follows: (48-48)

Representative Bohlinger moved HB 482 do pass. Motion carried as follows:

Ayes: Bachini, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Boharski, Bohlinger, Brandewie, Brooke, Clark, Cobb, Cocchiarella, Davis, Dowell, Ellis, Ewer, Fagg, Fisher, Foster, Galvin, Grady, Grimes, Grinde, H.S. Hanson, Harper, Hayne, Hibbard, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCulloch, L. Nelson, Orr, Peck, Raney, Ream, S. Rice, Rose, Russell, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 68

Noes: Anderson, Bardanouve, Bird, Brown, Daily, DeBruycker, Dolezal, Driscoll, Elliott, Endy, Feland, Gervais, Gilbert, Hansen, M. Hanson, Harrington, Herron, J. Johnson, Menahan, Mills, Molnar, T. Nelson, Pavlovich, Peterson, Quilici, Rehbein, J. Rice, Ryan, Squires, Whalen, Winslow.  
Total 31

Voted Absentee: Russell, Aye; Squires, No.

Excused: McCarthy.  
Total 1



Absent or not voting: None.

Total 0

**SB 120** - Representative Smith moved consideration of SB 120 be passed for the day. Motion carried.

Representative Schye excused at this time.

**SB 362** - Representative Brandewie moved SB 362, third reading copy, be amended (amendment #1):

1. Title, lines 5 and 6.

Following: "TO" on line 5

Strike: the remainder of line 5 through "IN" on line 6

Insert: "HEAR"

Amendment #1 passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Ryan, Sayles, Schwinden, Simon, Simpkins, Smith, Spring, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 96

Noes: None.

Total 0

Excused: McCarthy, Russell, Schye, Squires.

Total 4

Absent or not voting: None.

Total 0

Representative Brandewie moved SB 362, as amended, be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Benedict, Bergsagel, Boharski, Bohlinger, Brandewie, Clark, Cobb, Daily, Davis, DeBruycker, Dowell, Elliott, Ellis, Endy, Fagg, Fisher, Foster, Galvin, Grady, Grimes, Grinde, Hansen, H.S. Hanson, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kasten, Keller, Knox, Larson, Mason, McCaffree, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Quilici, Rehbein, J. Rice, Rose, Ryan, Schwinden, Simpkins, Smith, Stanford, Stovall, Swanson, Tash, Toole, Tunby, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Zook, Mr. Speaker.

Total 69

Noes: Bergman, Bird, Brooke, Brown, Cocchiarella, Dolezal, Driscoll, Feland, Gervais, Gilbert, M. Hanson, Harper, Harrington, Kadas, McCulloch, Peterson, Raney, Ream, S. Rice, Russell, Sayles, Simon, Spring, Squires, Strizich, Tuss, Wyatt.

Total 27

Voted Absentee: Russell, Squires, Noes.

Excused: McCarthy, Schye.

Total 2

Absent or not voting: Barnhart, Ewer.

Total 2

**SJR 22** - Representative DeBruycker moved SJR 22 be concurred in. Motion carried as follows:

Ayes: Bachini, Bardanouve, Barnhart, Bergman, Bohlinger, Brandewie, Brooke, Brown, Clark, Daily, Davis, DeBruycker, Dolezal, Elliott, Ellis, Endy, Fagg, Fisher, Foster, Galvin, Gervais, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Mason, McCaffree, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, J. Rice, S. Rice, Rose, Ryan, Sayles, Schwinden, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Swanson, Tash, Tunby, Tuss, Vogel, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 74

Noes: Barnett, Bergsagel, Bird, Boharski, Cocchiarella, Dowell, Driscoll, Ewer, Feland, Gilbert, Grimes, Grinde, Herron, Larson, Rehbein, Wagner.

Total 16

Voted Absentee: Squires, Aye.

Excused: McCarthy, Russell, Schye.

Total 3

Absent or not voting: Anderson, Benedict, Cobb, Grady, Ream, Strizich, Toole.

Total 7

Representative Schye present at this time.

**HB 401** - Representative Kadas moved HB 401, second reading copy, be amended (amendment #1):

1. Title, line 5.

Strike: "AN INTERENTITY"

Insert: "A"

2. Title, line 6.

Strike: "GENERAL"

Insert: "COAL SEVERANCE TAX PERMANENT"

3. Title, line 11.

Following: "FUND"

Insert: "AS A LOAN FROM THE COAL SEVERANCE TAX PERMANENT  
FUND"

4. Title, line 13.

Following: ";

Insert: "REQUIRING AN IRREVOCABLE AGREEMENT TO REPAY THE  
COAL SEVERANCE TAX PERMANENT FUND FROM ANY AMOUNT  
RECOVERED IN THE LITIGATION; AMENDING SECTION 17-6-  
310, MCA;"

5. Page 2, line 16.

Strike: "general"

Insert: "coal severance tax permanent"

6. Page 2, line 17.

Strike: "an interentity"

Insert: "a"

7. Page 2, line 25.

Strike: "short-term"

Insert: "long-term"

8. Page 3, line 2.

Following: "."

Insert: "(1)"

Strike: "reauthorized"

Insert: "authorized"

9. Page 3, line 4.

Strike: "general"

Insert: "coal severance tax permanent"

Strike: "an interentity"

Insert: "a"

10. Page 3, line 5.

Following: "1993"

Insert: "from the general fund"

11. Page 3, lines 9 through 13.

Following: "." on line 9

Strike: remainder of line 9 through "." on line 13

Insert: "There is also authorized to the department for fiscal year 1994 a  
loan from the coal severance tax permanent fund in the amount of  
\$246,135, which represents the interest lost by the general fund  
because of the \$4,928,894 loan for fiscal years 1992 and 1993.

(2) The department shall repay to the general fund the  
amount of \$4,928,894, plus interest in the amount of \$246,135

that was lost by the general fund because of the loan, from the proceeds of the loans authorized in subsection (1). The repayment to the general fund must be made upon receipt of the loans authorized by subsection (1)."

12. Page 3, line 20.

Following: line 19

Insert: "Section 4. Section 17-6-310, MCA, is amended to read:

"17-6-310. Limits on direct loans. (1) Except as provided in 20-9-466, [section 1], and [section 2], the state may not use the portion of the permanent coal tax trust fund designated for investment in the Montana economy to make direct loans.

(2) Except as provided in 20-9-466, [section 1], and [section 2], the permanent coal tax trust fund may not be used by the board of investments to make direct loans to individual borrowers. The purchase of debentures issued by a capital company and loans or portions of loans originated by a financial institution that are sold to the trust are not direct loans."

NEW SECTION. Section 5. Loan contract. In order to make the loans authorized in [sections 1 and 2], the board of investments shall enter into an irrevocable contract with the department of health and environmental sciences pledging the amount recovered in the litigation to the repayment of the loans. The contract must provide that loan repayments must be deposited in the coal severance tax permanent fund. To the extent possible, the board shall make the loans from the portion of the coal severance tax permanent fund invested in the short-term investment pool. The loans authorized in [sections 1 and 2] may not be made until the contract required by this section has been entered into by the board and the department.

NEW SECTION. Section 6. Three-fourths vote. Because [section 3] appropriates money from the coal severance tax trust fund, Article IX, section 5, of the Montana constitution requires a vote of three-fourths of the members of each house of the legislature for passage."

Renumber: subsequent section

Amendment #1 passed as follows:

Ayes: Anderson, Bachini, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Bohlinger, Brandewie, Brooke, Brown, Clark, Cocchiarella, Daily, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Winslow, Wiseman, Zook, Mr. Speaker.

Total 84



Noes: Bardanouve, Boharski, Cobb, Davis, M. Hanson, Harper, Orr, Rehbein, Rose, Spring, Wanzenried, Whalen, Wyatt.  
Total 13

Excused: McCarthy, Russell, Squires.  
Total 3

Absent or not voting: None.  
Total 0

Representative Kadas moved HB 401, as amended, do pass. Motion carried as follows:

Ayes: Anderson, Barnett, Barnhart, Bergman, Bergsagel, Bohlinger, Brandewie, Brooke, Brown, Clark, Cocchiarella, Daily, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Grady, Grimes, Grinde, Hansen, H.S. Hanson, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Pavlovich, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schye, Simon, Simpkins, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wallin, Wanzenried, Winslow, Wyatt, Zook, Mr. Speaker.  
Total 80

Noes: Bachini, Bardanouve, Benedict, Bird, Boharski, Cobb, Davis, Feland, Gilbert, M. Hanson, Harper, Orr, Peck, Rehbein, Schwinden, Smith, Spring, Wagner, Whalen, Wiseman.  
Total 20

Voted Absentee: McCarthy, Russell, Squires, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

Representative Grinde moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman Toole moved the adoption of the committee report. Report adopted. (80-13)

### THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**SB 52** concurred in as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin,

Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Spring, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 95

Noes: None.  
Total 0

Excused: McCarthy, Russell, Squires.  
Total 3

Absent or not voting: Quilici, Smith.  
Total 2

**SB 92** concurred in as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Grady, Grimes, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 91

Noes: Bergsagel, Feland, Gilbert, Grinde, Rehbein.  
Total 5

Excused: McCarthy, Russell, Squires.  
Total 3

Absent or not voting: Benedict.  
Total 1

**SB 117** concurred in as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Foster, Galvin, Gervais, Grady, Grimes, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Larson, Mason, McCaffree, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Pavlovich, Quilici, Raney, Ream, J. Rice,

S. Rice, Rose, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 84

Noes: Benedict, Bergsagel, Fisher, Gilbert, Grinde, Hayne, Kasten, Orr, Peterson, Rehbein, Wagner.

Total 11

Excused: McCarthy, Russell, Squires.

Total 3

Absent or not voting: Herron, Peck.

Total 2

**SB 125** concurred in as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Larson, Mason, McCaffree, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 88

Noes: Benedict, Bergsagel, DeBruycker, Feland, Galvin, Hayne, Peterson, Rehbein.

Total 8

Excused: McCarthy, Russell, Squires.

Total 3

Absent or not voting: Kasten.

Total 1

**SB 270** concurred in as follows:

Ayes: Anderson, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Cobb, Daily, Davis, Dolezal, Dowell, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCulloch, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peterson, Quilici, Ream, Rehbein, J. Rice, S. Rice, Rose, Ryan, Sayles, Schwinden, Simon, Simpkins, Smith, Spring, Stanford, Stovall, Strizich, Swanson,

Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 87

Noes: Bachini, Bergsagel, Clark, Cocchiarella, DeBruycker, Driscoll, Menahan, Peck, Raney, Schye.  
Total 10

Excused: McCarthy, Russell, Squires.  
Total 3

Absent or not voting: None.  
Total 0

**SB 306** concurred in as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wyatt, Zook, Mr. Speaker.  
Total 94

Noes: Bergsagel.  
Total 1

Excused: McCarthy, Russell, Squires.  
Total 3

Absent or not voting: Bohlinger, Wiseman.  
Total 2

**SB 307** concurred in as follows:

Ayes: Anderson, Bardanouve, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCulloch, Mills, Molnar, L. Nelson, T. Nelson, Pavlovich, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 82



Noes: Bachini, Barnett, Bergsagel, Clark, Cobb, DeBruycker, Gilbert, Hayne, Menahan, Peterson, Smith, Spring, Winslow.  
Total 13

Excused: McCarthy, Russell, Squires.  
Total 3

Absent or not voting: Orr, Peck.  
Total 2

**SB 312** concurred in as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 95

Noes: Bergsagel, DeBruycker.  
Total 2

Excused: McCarthy, Russell, Squires.  
Total 3

Absent or not voting: None.  
Total 0

**SB 349** concurred in as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Grady, Grimes, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCulloch, Menahan, Mills, Molnar, L. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Stanford, Stovall, Strizich, Swanson, Tash, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 90

Noes: Bergsagel, DeBruycker, Gilbert, Grinde, T. Nelson, Rehbein.  
Total 6

Excused: McCarthy, Russell, Squires.  
Total 3

Absent or not voting: Toole.  
Total 1

**SB 372** concurred in as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Benedict, Bergman, Bergsagel, Boharski, Bohlinger, Brandewie, Brown, Cobb, Daily, Davis, DeBruycker, Driscoll, Ellis, Endy, Ewer, Fagg, Feland, Gervais, Grady, Grimes, Hansen, H.S. Hanson, M. Hanson, Harrington, Hayne, Hibbard, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCulloch, Mills, Molnar, L. Nelson, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Sayles, Schwinden, Schye, Simon, Simpkins, Spring, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Vogel, Wagner, Wallin, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 72

Noes: Barnhart, Bird, Brooke, Clark, Cocchiarella, Dolezal, Dowell, Elliott, Fisher, Foster, Galvin, Gilbert, Grinde, Harper, Herron, McCaffree, Menahan, T. Nelson, Peterson, Russell, Ryan, Smith, Stanford, Tuss, Wanzenried.  
Total 25

Voted Absentee: Russell, No.

Excused: McCarthy, Squires.  
Total 2

Absent or not voting: J. Johnson.  
Total 1

**SB 390** concurred in as follows:

Ayes: Anderson, Bachini, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Grady, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCulloch, Menahan, Mills, Molnar, L. Nelson, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Ryan, Sayles, Schwinden, Schye, Simon, Smith, Spring, Stovall, Strizich, Swanson, Tash, Toole, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 82

Noes: Bardanouve, Bergsagel, Clark, Feland, Gilbert, Grimes, Grinde, Hayne, Herron, McCaffree, T. Nelson, Orr, Tunby.  
Total 13

Excused: McCarthy, Russell, Squires.  
Total 3

Absent or not voting: Simpkins, Stanford.  
Total 2

**SJR 26** concurred in as follows:

Ayes: Anderson, Bachini, Barnett, Barnhart, Benedict, Bergman, Bird, Bohlinger, Brandewie, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, Kadas, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 86

Noes: Bardanouve, Bergsagel, Boharski, Cobb, DeBruycker, Feland, Fisher, R. Johnson, Kasten, Molnar, Peterson, Rehbein.  
Total 12

Voted Absentee: McCarthy, Aye.

Excused: Russell, Squires.  
Total 2

Absent or not voting: None.  
Total 0

### MOTIONS

Representative Grinde moved the House accede to the request of the Senate to appoint a conference committee to meet with a like committee from the Senate to confer on House amendments to SB 11. Motion carried.

Mr. Speaker appointed the following members:

Representative Ellis, Chairman  
Representative Pavlovich  
Representative Wagner

Representative Grinde moved the House accede to the request of the Senate to appoint a conference committee to meet with a like committee from the Senate to confer on House amendments to SB 80. Motion carried.

Mr. Speaker appointed the following members:

Representative Bohlinger, Chairman  
Representative Dowell  
Representative Simon

Representative Gilbert moved HB 400 be taken from the Committee on Taxation and rereferred to the Committee on Appropriations. Motion carried.

Representative Ream moved HB 680 be taken from the Committee on Business and Economic Development and rereferred to the Committee on Taxation. Motion carried.

Representative Strizich moved HB 531 be taken from the table in the Committee on Appropriations, printed, and placed on second reading this legislative day. Motion failed. (29-66)

### COMMUNICATIONS AND PETITIONS

Mr. Speaker read the following note:

"House Members 1993 Session - Your love, your friendship and concern will always be treasured in our hearts and minds. Thank you for your gifts in remembrance of Dennis - who is now at rest in "God's Country". Signed Della, Alycia and Michael Nathe.

### REPORTS OF STANDING COMMITTEES

APPROPRIATIONS (Zook, Chairman): 3/12/93  
**HB 46**, introduced bill, be amended as follows:

1. Title, line 4.  
Strike: "2 CENTS"  
Insert: "A PERCENTAGE"
2. Title, line 6.  
Following: "HOMES"  
Strike: " ;"  
Insert: ", THE DEVELOPMENT AND IMPLEMENTATION OF A BENEFITS PROGRAM FOR AGING VETERANS, AND THE ESTABLISHMENT OF A SPECIAL REVENUE ACCOUNT IN THE DEPARTMENT OF CORRECTIONS AND HUMAN SERVICES;"
3. Page 1.  
Following: line 7  
Insert: "STATEMENT OF INTENT  
A statement of intent is required for this bill because the department of corrections and human services is authorized under [section 3] to adopt rules for the administration of the veterans' benefits program."
4. Title, line 6.  
Strike: "SECTION"  
Insert: "SECTIONS"  
Following: "16-11-119"  
Insert: "AND 17-5-408"
5. Page 1, line 24.



Strike: "Two cents"

Insert: " The amount of 10.38%"

6. Page 1, line 25.

Strike: "imposed"

Insert: "collected"

7. Page 2, line 4.

Following: "nursing homes"

Strike: " "

Insert: "and the development and implementation of a benefits program for aging veterans who need in-home health or nursing care."

8. Page 2, line 8.

Strike: "72.79%"

Insert: "81.23%"

9. Page 2, line 10.

Strike: "27.21%"

Insert: "18.77%"

10. Page 2, line 13.

Strike: "Two cents"

Insert: "The amount of 11.11%"

11. Page 2, line 14.

Strike: "imposed"

Insert: "collected"

12. Page 2, line 22.

Strike: "70.89%"

Insert: "79.25%"

13. Page 2, line 24.

Strike: "29.11%"

Insert: "20.25%"

14. Page 2.

Following: line 25

Insert: "NEW SECTION. Section 2. Use of funds generated by taxation on cigarettes. (1) Revenue generated by 16-11-119 and allocated to the department of corrections and human services must be used to support the operation and maintenance of the Montana veterans' homes programs and the development and implementation of a benefits program for aging veterans who need in-home health or nursing care.

(2) The legislature shall appropriate from the account established in 16-11-119 the funds required for the operation and maintenance of the Montana veterans' homes and the development and implementation of the benefits program.

(3) Operation and maintenance of the programs may include personal services, operations, equipment, and construction or remodeling projects.

NEW SECTION. Section 3. Rulemaking. The department of corrections and human services may adopt rules for the administration of the veterans' benefits program referred to in [section 2].

Section 4. Section 17-5-408, MCA, is amended to read:

"17-5-408. Percentage of income, corporation license, and cigarette tax pledged. (1) (a) The state pledges and appropriates and directs to be credited as received to the debt service account ~~9.8% for fiscal year 1990 and 8.7% for fiscal year 1991 of all money received from the collection of the individual income tax and 11% for fiscal year 1990 and 10.5% for fiscal year 1991 of all money,~~ except as provided in 15-31-702, money received from the collection of the corporation license and income tax, as provided in 15-1-501, ~~and such additional amount of said taxes, if any,~~ as may at any time be needed to comply with the principal and interest and reserve requirements stated in 17-5-405(4).

~~(b) No more than the percentages described in subsection (1)(a) of such tax collections may be pledged for the purpose of 17-5-403(2). The pledge and appropriation herein made shall be and remain at all times by this section are a first and prior charge upon all money received from the collection of said the enumerated taxes.~~

(2) The Except for the amount credited to the veterans' home maintenance and improvement account under 16-11-119, the state pledges and appropriates and directs to be credited to the debt service account 70.89% 79.75% of all remaining money received from the collection of the excise tax on cigarettes which that is levied, imposed, and assessed by 16-11-111. The state also pledges and appropriates and directs to be credited as received to the debt service account all money received from the collection of the taxes on other tobacco products which that are or may hereafter be levied, imposed, and assessed by law for that purpose, including the tax levied, imposed, and assessed by 16-11-202. Nothing herein shall This section does not impair or otherwise affect the provisions and covenants contained in the resolutions authorizing the presently outstanding long-range building program bonds. Subject to the provisions of the preceding sentence, the pledge and appropriation herein made shall be and remain at all times by this section are a first and prior charge upon all money received from the collection of all taxes referred to in this subsection (2)."

NEW SECTION. Section 5. Codification instruction. (1) [Section 2] is intended to be codified as an integral part of Title 10, chapter 2, part 4, and the provisions of Title 10, chapter 2, part 4, apply to [section 2].

(2) [Section 3] is intended to be codified as an integral part of Title 10, chapter 2, part 1, and the provisions of Title 10, chapter 2, part 1, apply to [section 3]."

And, as amended, do pass. Report adopted.

**FIRST READING AND COMMITMENT  
OF BILLS AND RESOLUTIONS**

The following House bill was introduced, read first time, and referred to committee:

**HB 680**, introduced by Ream, referred to Committee on Business and Economic Development

**ANNOUNCEMENTS**

Committee meetings were announced by committee chairmen.

Representative Grinde moved the House adjourn until 8:00 a.m., Saturday, March 13, 1993. Motion carried.

House adjourned at 3:24 p.m.

John Mercer, Speaker

Marilyn Miller, Chief Clerk

## FIFTY-SEVENTH LEGISLATIVE DAY

Helena, Montana  
March 13, 1993

House Chambers  
State Capitol

House convened at 8:00 a.m. Mr. Speaker in the Chair. Invocation by Representative Bergman. Pledge of Allegiance to the Flag.

Roll call. All members present except McCarthy, McCulloch, Rehbein, Russell, Ryan, excused. Quorum present.

Representative Grinde moved the House recess until 9:00 a.m. Motion carried.

House recessed at 8:05 a.m.

House reconvened at 9:01 a.m. Mr. Speaker in the Chair.

Mr. Speaker introduced this week's pages:

Paula Briney, Polson (permanent page)  
Kristy M. Murdinger, Helena  
Elissa Fairbrother, Helena  
Emily Snow, Great Falls  
Kristy Hinebauch, Rosebud

### Honorary Pages

Molly Flynn  
Amanda Fry  
Shanon Plu-id  
Justin Plu-id  
Michael Cocchiarella  
Cara Cocchiarella  
Todd Sayles  
Erin Sayles

## REPORTS OF STANDING COMMITTEES

BILLS (Hayne, Chairman): 3/13/93  
Correctly printed for second reading: HB 46, HB 656, HB 659.  
Correctly engrossed for third reading: HB 401, HB 482, SB 362, SJR 22.  
Examined by the sponsor and found to be correct:  
HB 203 - Larson  
Signed by the Speaker at 5:00 p.m., 3/12/93: SB 137, SB 146.

SELECT SCHOOL FUNDING (Cobb, Chairman): 3/12/93  
**HB 665**, introduced bill, be amended as follows:

1. Page 1, line 17.  
Page 2, line 6.  
Strike: "6%"  
Insert: "4.75%"

2. Page 2, line 22.  
Strike: "\$25"  
Insert: "\$10"



3. Page 3, line 6.

Strike: "\$23"

Insert: "\$8"

4. Page 4, lines 3 and 6.

Strike: "one-third"

Insert: "29%"

5. Page 5, line 4.

Strike: "10.94"

Insert: "8.4"

6. Page 5, lines 19 and 20.

Following: "(2)"

Strike: remainder of line 19 through "1993." on line 20

Insert: "[Section 2] applies to licenses issued after February 28, 1994.

(3) [Sections 3 and 4] apply to all lease years beginning after December 31, 1993."

And, as amended, do pass and be referred to the House Committee on Education and Cultural Resources for its consideration as part of the School Funding package. Report adopted.

STATE ADMINISTRATION (Simpkins, Chairman):

3/12/93

**HB 615**, introduced bill, be amended as follows:

1. Title, line 5.

Strike: "10"

Insert: "2"

2. Title, lines 7 and 8.

Strike: "REQUIRING" on line 7 through "FORCE;" on line 8

3. Title, lines 9 and 10.

Strike: ", AN APPLICABILITY DATE,"

4. Page 1, line 15.

Strike: "required"

5. Page 1, line 17.

Following: "and"

Insert: "may provide"

6. Page 1, line 23.

Strike: "10"

Insert: "2"

7. Page 1, line 24 through page 2, line 5.

Strike: line 24 on page 1 through line 5 on page 2 in their entirety

Renumber: subsequent section

And, as amended, do pass. Report adopted.

**SB 203**, third reading copy, be amended as follows:

1. Title, line 6.  
Following: "TO"  
Insert: "CERTAIN"

2. Page 1, line 13.  
Strike: "1993"  
Insert: "1991"

And, as amended, be concurred in. Report adopted.

**SB 384**, third reading copy, be amended as follows:

1. Page 8, line 5.  
Strike: "estimate"  
Insert: "studies"

2. Page 8, lines 6 through 8.  
Strike: "prepare" on line 6 through "continuously" on line 8

And, as amended, be concurred in. Report adopted.

TAXATION (Gilbert, Chairman):

3/12/93

**HB 505**, introduced bill, be amended as follows:

1. Page 5, line 15.  
Following: "child"  
Insert: "and at least one unrelated child"

And, as amended, do pass. Report adopted.

**HB 592**, introduced bill, be amended as follows:

1. Page 1, line 24.  
Page 2, line 3.  
Page 7, line 2.  
Page 10, line 1.  
Strike: "operation"

2. Page 3, line 20.  
Page 3, line 24.  
Strike: "operation"

3. Page 7, line 8.  
Strike: "nonrefundable"

4. Page 7, line 7.  
Page 7, line 18.  
Page 8, line 1.  
Strike: "an operation"  
Insert: "a"

5. Page 7, line 17.

Strike: "\$50,000"

Insert: "\$40,000"

6. Page 7, line 19.

Strike: "\$40,000"

Insert: "\$50,000"

7. Page 7, line 21.

Strike: "\$50,000"

Insert: "\$40,000"

8. Page 8.

Following: line 5

Insert: "(2) If, after receipt of the payment required in subsection (1)(a)(ii), the applicant notifies the department in writing of its intent to withdraw the application, the department shall return to the applicant any portion of the payment received pursuant to subsection (1)(a)(ii) in excess of the department's actual costs of permit review."

Renumber: subsequent subsection

9. Page 8, line 15.

Following: "of"

Insert: ": (a)"

10. Page 8, lines 16 and 17.

Strike: "storage, disposal, or treatment."

Insert: "management in regulated landfill units, surface impoundments, land treatment units, incinerators, boilers, or industrial furnaces; and

(b) \$4 per ton on all hazardous waste received at the facility or site for management in any regulated unit or units other than those units described in subsection (1)(a).

(2)"

Renumber: subsequent subsections

11. Page 8, line 17.

Strike: "fee"

Insert: "fees established in subsection (1)"

12. Page 8, line 21.

Strike: "shall"

Insert: "may"

13. Page 9, line 11.

Following: "of"

Insert: "the hazardous waste provisions of"

And, as amended, do pass. Report adopted.

**HB 645**, introduced bill, do pass. Report adopted.

**SB 399**, third reading copy, be concurred in. Report adopted.

**MESSAGES FROM THE SENATE**

House bills concurred in and returned to the House: 3/12/93

**HB 189**, introduced by Wallin  
**HB 208**, introduced by Driscoll  
**HB 259**, introduced by Schwinden  
**HB 356**, introduced by Gilbert  
**HB 390**, introduced by Quilici  
**HB 404**, introduced by DeBruycker  
**HB 440**, introduced by Wallin  
**HB 446**, introduced by Clark  
**HB 464**, introduced by Fisher  
**HB 493**, introduced by Dowell  
**HB 513**, introduced by Dowell  
**HB 631**, introduced by Wallin

House bills concurred in as amended and returned to the House for concurrence in Senate amendments: 3/12/93

**HB 134**, introduced by Peterson  
**HB 281**, introduced by Grady  
**HB 445**, introduced by McCulloch  
**HB 472**, introduced by Wallin  
**HB 565**, introduced by Wyatt

Governor's amendments concurred in: 3/12/93

**HB 53**, introduced by Benedict

House amendments to Senate bills concurred in: 3/12/93

**SB 129**, introduced by Doherty  
**SB 234**, introduced by Harp

**MOTIONS**

Representative Grinde moved consideration of HB 564, HB 579, HB 608 and SB 190 be passed for the day. Motion carried.

Representative Grinde moved consideration of SJR 14 be passed for the day. Motion carried.

Representative Grinde moved consideration of SJR 14 be placed back on the second reading board this day. Motion carried.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Barnett in the Chair.



Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 474** - Representative Peterson moved HB 474 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 99

Noes: None.

Total 0

Voted Absentee: McCulloch, Rehbein, Russell, Ryan, Ayes.

Excused: McCarthy.

Total 1

Absent or not voting: None.

Total 0

**HB 588** - Representative Tunby moved HB 588 do pass. Motion carried as follows:

Ayes: Bardanouve, Barnett, Barnhart, Bergman, Bird, Bohlinger, Brandewie, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, Dolezal, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Galvin, Gervais, Hansen, H.S. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Larson, Mason, McCaffree, McCulloch, Menahan, Mills, Molnar, L. Nelson, Pavlovich, Peterson, Raney, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Whalen, Wiseman, Zook, Mr. Speaker.

Total 71

Noes: Anderson, Bachini, Benedict, Bergsagel, Boharski, Cobb, DeBruycker, Dowell, Feland, Foster, Gilbert, Grady, Grimes, Grinde, M. Hanson, Kasten, T. Nelson, Orr, Peck, Quilici, Ream, Simon, Simpkins, Wagner, Wallin, Wanzenried, Winslow, Wyatt.

Total 28

Voted Absentee: McCulloch, Rehbein, Russell, Ryan, Ayes.

Excused: McCarthy.  
Total 1

Absent or not voting: None.  
Total 0

**HB 616** - Representative Driscoll moved HB 616, second reading copy, be amended as follows (amendment #1):

1. Page 10, line 5.

Following: line 4

Insert: "(11) Notwithstanding the provisions of subsections (3), (6), (7), and (9), the MHD development corporation shall make a payment to the department no later than June 30, 1994, and a second payment no later than June 30, 1995, from loan proceeds in an amount equal to the interest that would have been earned for the general fund from the investment of the amount of the clean coal technology demonstration funds disbursed to the MHD development corporation. The payments must be deposited in the general fund. The payment periods begin on the date of the first disbursement under the loan agreement, the first period ends June 30, 1994, and the second period ends on the date the U.S. department of energy issues a final authorization to proceed as described in subsection (5)(c) or on June 30, 1995, whichever occurs first. The amount must be calculated by the department with the assistance of the office of budget and program planning, based on:

(a) the interest rate applicable to the investment of the coal severance tax permanent fund for the dates on which the loan proceeds were disbursed;

(b) the amount of disbursement; and

(c) the actual impact on the general fund."

Renumber: subsequent subsections

2. Page 11, line 16.

Strike: "(13)(a)"

Insert: "(14)(a)"

3. Page 13, line 21.

Strike: "(15)"

Insert: "(16)"

Amendment #1 passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnhart, Benedict, Bergman, Bergsagel, Bird, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Peck, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Ryan, Schwinden, Schye, Simon, Simpkins, Squires, Stanford, Stovall, Strizich,

Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 86

Noes: Boharski, Rose, Smith, Spring, Wallin.  
Total 5

Voted Absentee: Ryan, Aye.

Excused: McCarthy, McCulloch, Rehbein, Russell.  
Total 4

Absent or not voting: Barnett, Daily, Harper, Pavlovich, Sayles.  
Total 5

Representative Bohlinger moved HB 616, second reading copy, be further amended as follows (amendment #2):

1. Title, line 18.

Following: "MCA;"

Insert: "CONTINUING THE APPROPRIATION FOR THE CLEAN FUELS INFORMATION DEPOSITORY, DISTRIBUTION, AND MARKET DEVELOPMENT CENTER; AMENDING SECTION 1, CHAPTER 793, LAWS OF 1991;"

2. Page 2, line 17.

Strike: "4"

Insert: "3"

3. Page 3, lines 12 and 14.

Strike: "4"

Insert: "3"

4. Page 22, line 6.

Following: line 5

Insert: "Section 4. Section 1, Chapter 793, Laws of 1991, is amended to read:

"Section 1. Appropriation. (1) There is appropriated \$750,000 from the local impact account, to be used by June 30, 1993, as provided in subsection (2).

(2) (a) There is appropriated \$500,000 from the local impact account to eastern Montana college to be used by June 30, 1993 1995, to provide funding for a clean fuels information depository, distribution, and market development center at eastern Montana college. The center shall focus on all available clean coal technology information worldwide in order to allow Montana to become a leader in the field of clean fuels technology information and marketing. The clean fuels information center shall enhance the current technology research and development being conducted in the Montana university system.

(b) There is appropriated \$250,000 from the local impact account to the department of natural resources and conservation

to be used by June 30, 1993, for the loan described in subsection (2).

(3) A loan of \$250,000 to the MHD-Corette project is approved at an interest rate of 12% compounded annually. The loan must be matched on a 1-to-1 basis from nonstate appropriated sources, used for developing the project's application to receive clean coal technology program funding from the U.S. department of energy, and repaid to the state special revenue fund for state equalization aid to public schools from revenue the project's owner derives from the sale or licensing of the MHD technology or from the sale, lease, or licensing of the project. The total debt of the project related to this loan may not exceed 2 1/2 times the loan amount."

Renumber: subsequent section

Amendment #2 passed as follows:

Ayes: Anderson, Bardanouve, Barnett, Barnhart, Bergman, Bird, Bohlinger, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wallin, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 84

Noes: Bachini, Bergsagel, Boharski, Dowell, Feland, Gilbert, Herron, Peck, Spring, Wagner, Wanzenried.

Total 11

Voted Absentee: McCulloch, Ryan, Ayes.

Excused: McCarthy, Rehbein, Russell.

Total 3

Absent or not voting: Benedict, Brandewie.

Total 2

Representative R. Johnson moved HB 616, second reading copy, be further amended as follows (amendment #3):

1. Page 4, line 22.

Following: ".".

Insert: "The state of Montana is a senior debt creditor."

2. Page 7, line 3.

Following: "(6)"

Strike: "(a) Subject to subsection (6)(b), interest"

Insert: "Interest"



3. Page 7, line 4.

Strike: "same rate as"

Insert: "greater of"

4. Page 7, line 7.

Following: "parties"

Insert: "or the rate payable to other senior debt creditors"

5. Page 7, lines 8 and 9.

Strike: subsection (b) in its entirety

6. Page 7, line 25 through page 8, line 12.

Following: "power" on page 7, line 25

Strike: remainder of line 25 through "(B)" on page 8, line 4

Insert: "as part of the"

Following: "CREDITORS" on page 8, line 4

Strike: remainder of line 4 through "TAXES" on page 8, line 12

7. Page 10, line 18.

Following: "are"

Insert: "not"

8. Page 12, line 16.

Following: "UPON"

Strike: "the"

Insert: "any other"

Amendment #3 passed as follows:

Ayes: Anderson, Bachini, Barnett, Barnhart, Boharski, Brandewie, Brooke, Cobb, DeBruycker, Dowell, Elliott, Ellis, Feland, Fisher, Foster, Galvin, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Knox, Mason, McCaffree, Molnar, L. Nelson, Orr, Peck, Peterson, J. Rice, Rose, Sayles, Simpkins, Smith, Stovall, Swanson, Tash, Tunby, Wallin, Wanzenried, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 51

Noes: Bardanouve, Benedict, Bergman, Bergsagel, Bird, Bohlinger, Brown, Clark, Cocchiarella, Daily, Davis, Dolezal, Driscoll, Endy, Ewer, Fagg, Gervais, Gilbert, Harper, Harrington, Hayne, Keller, Larson, McCarthy, McCulloch, Menahan, Mills, T. Nelson, Pavlovich, Quilici, Raney, Ream, S. Rice, Ryan, Schwinden, Schye, Simon, Spring, Squires, Stanford, Strizich, Toole, Tuss, Vogel, Wagner, Winslow.

Total 46

Voted Absentee: McCarthy, McCulloch, Ryan, Noes.

Excused: Rehbein, Russell.

Total 2

Absent or not voting: Whalen.

Total 1

Representative R. Johnson moved HB 616, second reading copy, be further amended (amendment #4). Amendment #4 failed as follows: (11-88)

Representative Brown excused from voting due to conflict of interest.

Representative Driscoll moved HB 616, as amended, do pass. Motion carried as follows:

Ayes: Anderson, Benedict, Bergman, Bird, Bohlinger, Brandewie, Brooke, Cocchiarella, Daily, Dolezal, Dowell, Driscoll, Ellis, Endy, Fagg, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, Kadas, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Pavlovich, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Whalen, Winslow, Wiseman, Wyatt, Zook.  
Total 76

Noes: Bachini, Bardanouve, Barnett, Barnhart, Bergsagel, Boharski, Clark, Cobb, Davis, DeBruycker, Elliott, Ewer, Feland, Hansen, R. Johnson, Kasten, Orr, Peck, Peterson, Rehbein, Schwinden, Wanzenried, Mr. Speaker.  
Total 23

Voted Absentee: McCarthy, McCulloch, Russell, Ryan, Ayes; Rehbein, No.

Excused: None.  
Total 0

Absent or not voting: Brown.  
Total 1

**SB 168** - Representative Grinde moved consideration of SB 168 be placed at the top of the second reading board. Motion carried.

Representative M. Hanson moved SB 168 be concurred in. Motion carried as follows:

Ayes: Anderson, Bardanouve, Barnett, Barnhart, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peterson, Quilici, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Whalen, Winslow, Wiseman, Zook, Mr. Speaker.  
Total 89

Noes: Bachini, Benedict, Dowell, Galvin, Gervais, Harrington, Peck, Raney, Wanzenried, Wyatt.

Total 10

Voted Absentee: McCarthy, McCulloch, Rehbein, Russell, Ryan, Ayes.

Excused: None.

Total 0

Absent or not voting: Strizich.

Total 1

**HB 646** - Representative Harrington moved HB 646, second reading copy, be amended as follows (amendment #1):

1. Title, line 9.

Following: "AGENCIES"

Insert: "AND TO NONPROFIT ORGANIZATIONS"

2. Page 2, lines 13 and 14.

Following: "state" on line 13

Strike: "or"

Insert: ", "

Following: "funds" on line 14

Insert: ", and nonprofit organizations"

Amendment #1 passed as follows:

Ayes: Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Davis, Dolezal, Dowell, Driscoll, Elliott, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Grady, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Herron, J. Johnson, R. Johnson, Keller, Knox, Larson, Mason, McCaffree, Menahan, Mills, Molnar, L. Nelson, Orr, Peck, Peterson, Quilici, Raney, Ream, S. Rice, Rose, Russell, Ryan, Schwinden, Schye, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Zook, Mr. Speaker.

Total 79

Noes: Anderson, Bergsagel, DeBruycker, Gilbert, Hayne, Kadas, Kasten, T. Nelson, J. Rice, Simon, Wyatt.

Total 11

Voted Absentee: Russell, Ryan, Ayes.

Excused: McCarthy, McCulloch, Rehbein.

Total 3

Absent or not voting: Daily, Ellis, Grimes, Hibbard, Pavlovich, Sayles, Strizich.

Total 7

Representative Peterson moved HB 646, as amended, do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 98

Noes: None.

Total 0

Voted Absentee: McCulloch, Rehbein, Russell, Ryan, Ayes.

Excused: McCarthy.

Total 1

Absent or not voting: Hibbard.

Total 1

**HB 19** - Representative R. Johnson moved HB 19 do pass. Motion carried as follows:

Ayes: Anderson, Bardanouve, Barnett, Barnhart, Bird, Boharski, Bohlinger, Brandewie, Brooke, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Grady, Grimes, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Mason, McCaffree, McCulloch, Menahan, L. Nelson, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Wagner, Wallin, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 77

Noes: Bachini, Benedict, Bergman, Bergsagel, Brown, DeBruycker, Dowell, Feland, Gilbert, Grinde, Hayne, Herron, Kasten, Larson, Mills, Molnar, T. Nelson, Peterson, Spring, Vogel, Wanzenried.

Total 21

Voted Absentee: McCulloch, Rehbein, Russell, Ryan, Ayes.

Excused: McCarthy.

Total 1



Absent or not voting: Tuss.

Total 1

**HB 632** - Representative Molnar moved HB 632, second reading copy, be amended as follows (amendment #1):

1. Page 3, line 4.

Following: "COMMUNITY"

Insert: "if proximity is important to the child's treatment or does not adversely affect the child's treatment"

2. Pages 9, line 23 through page 10, line 1.

Following: "~~providers~~"

Insert: "(a) continuously group children with multiagency service needs placed with out-of-state providers into categories according to the type of treatment received by the children;

(b) notify in-state providers of the number of children in each category, the types of treatment being received by the children, and the cost to the state of the treatment provided; and

(c)"

Amendment #1 passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Davis, Dolezal, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Peck, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 84

Noes: Bird, Cocchiarella, DeBruycker, Dowell, Gervais, Gilbert, Hansen, Wanzenried.

Total 8

Excused: McCarthy, McCulloch, Rehbein, Russell, Ryan.

Total 5

Absent or not voting: Daily, Feland, Pavlovich.

Total 3

Representative Molnar moved HB 632, as amended, do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Fagg, Feland, Fisher, Foster, Galvin, Gervais,

Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 95

Noes: Bird, Gilbert.  
Total 2

Voted Absentee: Rehbein, Russell, Ryan, Ayes.

Excused: McCarthy, McCulloch.  
Total 2

Absent or not voting: Ewer.  
Total 1

**HB 658** - Representative L. Nelson moved HB 658, second reading copy, be amended as follows (amendment #1):

1. Title, lines 12 and 13.

Strike: "DELETING" on line 12 through "ASSESSMENTS" on line 13

Insert: "PROVIDING THAT THE ASSESSMENT COLLECTED BY THE GRAIN STORAGE FACILITY OPERATOR IS NONREFUNDABLE"

2. Page 3, line 17.

Following: "nonrefundability"

Insert: "-- refund -- nonrefundability"

3. Page 5, line 21.

Following: "nonrefundable."

Insert: "(4) (a) After 30 days and before 90 days following the deduction of the assessment by the first purchaser or the first lender under 80-11-206(2)(a), the grower may, upon the submission of a written, verified request to the department, obtain a refund of the assessment. The request must be accompanied by the original invoices received by the grower at the time of settlement. The department shall keep complete records of all refunds made under the provisions of this section. Records of refunds may be destroyed 2 years after the refund is made. All original invoices must be returned to the grower with the refund payment.

(b) An assessment collected by a grain storage facility operator under 80-11-206(2)(b) is nonrefundable."

Amendment #1 passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bohlinger, Brooke, Brown, Cobb, Cocchiarella, Ellis, Endy, Fisher, Grady, Grimes, Hansen, H.S. Hanson, M. Hanson, Hayne, J.

Johnson, R. Johnson, Kasten, Knox, Larson, Mason, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Peck, Peterson, Quilici, S. Rice, Rose, Ryan, Schwinden, Schye, Smith, Spring, Strizich, Swanson, Tash, Toole, Wagner, Whalen, Winslow, Wiseman.

Total 51

Noes: Bergsagel, Bird, Boharski, Brandewie, Clark, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ewer, Fagg, Feland, Foster, Galvin, Gervais, Gilbert, Grinde, Harper, Harrington, Herron, Hibbard, Kadas, Keller, McCaffree, Pavlovich, Raney, Ream, J. Rice, Sayles, Simon, Simpkins, Squires, Stanford, Stovall, Tuss, Vogel, Wallin, Wanzenried, Wyatt, Zook, Mr. Speaker.

Total 44

Voted Absentee: Ryan, Aye.

Excused: McCarthy, McCulloch, Rehbein, Russell.

Total 4

Absent or not voting: DeBruycker.

Total 1

Representative Schwinden moved HB 658, as amended, do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 95

Noes: Dowell, Driscoll, Gilbert, Raney.

Total 4

Voted Absentee: McCulloch, Rehbein, Russell, Ryan, Ayes.

Excused: McCarthy.

Total 1

Absent or not voting: None.

Total 0

**HB 500** - Representative Mercer moved consideration of HB 500 be placed below SB 192 on the second reading board. Motion carried.

**SB 120** - Representative Smith moved SB 120 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 94

Noes: Bergsagel, McCaffree, Peck.  
Total 3

Voted Absentee: McCulloch, Rehbein, Russell, Ryan, Ayes.

Excused: McCarthy.  
Total 1

Absent or not voting: Barnett, Grinde.  
Total 2

**SB 206** - Representative Feland moved SB 206 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Boharski, Bohlinger, Brandewie, Brown, Clark, Cobb, DeBruycker, Dolezal, Ellis, Fagg, Feland, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Harper, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kasten, Keller, Mason, Mills, Molnar, L. Nelson, T. Nelson, Orr, Peck, Peterson, Rehbein, J. Rice, Rose, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stovall, Tash, Toole, Tunby, Vogel, Wagner, Wallin, Wanzenried, Winslow, Wiseman, Zook, Mr. Speaker.  
Total 68

Noes: Bird, Brooke, Cocchiarella, Daily, Davis, Dowell, Driscoll, Elliott, Endy, Ewer, Fisher, Hansen, Harrington, Kadas, Knox, Larson, McCaffree, Menahan, Pavlovich, Quilici, Raney, Ream, Russell, Stanford, Strizich, Swanson, Tuss, Whalen, Wyatt.  
Total 29

Voted Absentee: Rehbein, Ryan, Ayes; Russell, No.

Excused: McCarthy, McCulloch.  
Total 2



Absent or not voting: S. Rice.

Total 1

**SB 46** - Representative Fagg moved SB 46 be concurred in. Motion carried as follows:

Ayes: Anderson, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Pavlovich, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 90

Noes: Bachini, DeBruycker, Feland, Gilbert, Orr, Peck, Wagner.

Total 7

Voted Absentee: McCulloch, Rehbein, Russell, Ryan, Ayes.

Excused: McCarthy.

Total 1

Absent or not voting: Elliott, Grady.

Total 2

**SB 51** - Representative Harper moved SB 51, third reading copy, be amended as follows (amendment #1):

1. Page 11, line 1.

Following: "ESTABLISHMENT,"

Strike: "AND"

2. Page 11, line 5.

Following: "SWEARING"

Insert: "; and

(d) the department determines that the applicant has fully disclosed all financing sources and that there are no unsuitable sources of financing involved in the proposed operation"

Amendment #1 passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox,

Larson, Mason, McCaffree, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Quilici, Raney, Ream, J. Rice, S. Rice, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wyatt, Zook, Mr. Speaker.  
Total 89

Noes: Brown, Driscoll, Feland, Peterson, Rose, Wiseman.  
Total 6

Excused: McCarthy, McCulloch, Rehbein, Russell, Ryan.  
Total 5

Absent or not voting: None.  
Total 0

Representative Larson moved SB 51, as amended, be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Barnett, Benedict, Bird, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Driscoll, Elliott, Ellis, Endy, Feland, Foster, Galvin, Gervais, Grady, Grinde, Hansen, H.S. Hanson, M. Hanson, Harrington, Hayne, Hibbard, J. Johnson, Larson, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, Orr, Pavlovich, Peck, Quilici, Raney, Rehbein, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Smith, Spring, Squires, Stanford, Strizich, Tash, Tuss, Whalen, Wyatt, Zook, Mr. Speaker.  
Total 62

Noes: Bardanouve, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brandewie, Cobb, Dowell, Ewer, Fagg, Fisher, Gilbert, Grimes, Harper, Herron, R. Johnson, Kadas, Kasten, Keller, Knox, Mason, T. Nelson, Peterson, Ream, J. Rice, Simon, Simpkins, Stovall, Swanson, Toole, Tunby, Vogel, Wagner, Wallin, Wanzenried, Winslow, Wiseman.  
Total 38

Voted Absentee: McCarthy, McCulloch, Rehbein, Russell, Ryan, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

Representative J. Rice assumed the Chair at this time.

Representative Grinde moved the House recess until 1:30 p.m. Motion carried.

House recessed at 12:12 p.m.

House reconvened at 1:37 p.m. Representative J. Rice in the Chair.

Representative Wagner excused at this time.

**SB 63** - Representative Hansen moved SB 63, third reading copy, be amended as follows (amendment #1):

1. Title, line 12.

Following: "MCA;"

Strike: "AND"

2. Title, line 16.

Following: "MCA"

Insert: "; AND PROVIDING AN EFFECTIVE DATE"

3. Page 11, line 6.

Following: line 5

Insert: "NEW SECTION. Section 8. Effective date. [This act] is effective July 1, 1993."

Amendment #1 passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 92

Noes: None.

Total 0

Excused: McCarthy, McCulloch, Rehbein, Russell, Ryan, Wagner.

Total 6

Absent or not voting: Cobb, Grady.

Total 2

Representative Hansen moved SB 63, as amended, be concurred in. Motion carried as follows:

Ayes: Anderson, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Gilbert, Grimes, Hansen, H.S. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney,

Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Mr. Speaker.  
Total 87

Noes: Bergsagel, Clark, Cobb, Feland, Grinde, McCaffree.  
Total 6

Voted Absentee: McCulloch, Russell, Ryan, Ayes.

Excused: McCarthy, Rehbein, Wagner.  
Total 3

Absent or not voting: Bachini, Grady, M. Hanson, Zook.  
Total 4

**SB 174** - Representative S. Rice moved SB 174, third reading copy, be amended as follows (amendment #1):

1. Page 2, line 4.

Strike: "and" through "attorney"

2. Page 2, lines 8 and 9.

Strike: "or" on line 8 through "attorney"  
on line 9

Strike: "either"

Following: "action"

Insert: ", refer the complaint to the appropriate county attorney,"

3. Page 2, line 11.

Following: "notice."

Insert: "If the commissioner refers the complaint to a county attorney and the county attorney fails, within 30 days after receipt of the complaint, to either file an action or to notify the commissioner that an action will not be commenced, a citizen's action may be commenced."

Amendment #1 passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Elliott, Ellis, Endy, Ewer, Fisher, Foster, Galvin, Gervais, Gilbert, Grimes, Grinde, Hansen, M. Hanson, Harper, Harrington, Hayne, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, Menahan, Mills, Molnar, L. Nelson, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 83



Noes: Boharski, Driscoll, Fagg, Feland, H.S. Hanson, Herron, T. Nelson, Rose, Spring.

Total 9

Excused: McCarthy, McCulloch, Rehbein, Russell, Ryan, Wagner.

Total 6

Absent or not voting: Grady, Orr.

Total 2

Representative S. Rice moved SB 174, as amended, be concurred in. Motion failed as follows:

Ayes: Bachini, Bardanoue, Barnhart, Brandewie, Brooke, Cocchiarella, Davis, Dolezal, Dowell, Driscoll, Elliott, Endy, Ewer, Fagg, Galvin, Gervais, Hansen, Harper, Harrington, Hibbard, J. Johnson, Kadas, Larson, Mason, McCaffree, McCulloch, Menahan, Molnar, L. Nelson, Peck, Raney, Ream, J. Rice, S. Rice, Russell, Ryan, Schwinden, Schye, Smith, Squires, Stanford, Strizich, Swanson, Toole, Tunby, Tuss, Wanzenried, Whalen.

Total 48

Noes: Anderson, Barnett, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brown, Clark, Cobb, Daily, DeBruycker, Ellis, Feland, Fisher, Foster, Gilbert, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Herron, R. Johnson, Kasten, Keller, Knox, Mills, T. Nelson, Orr, Pavlovich, Peterson, Quilici, Rehbein, Rose, Sayles, Simon, Simpkins, Spring, Stovall, Tash, Vogel, Wagner, Wallin, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 50

Voted Absentee: McCulloch, Russell, Ryan, Ayes; Rehbein, Wagner, Noes.

Excused: McCarthy.

Total 1

Absent or not voting: Grady.

Total 1

**SB 192** - Representative Harper moved SB 192 be concurred in. Motion carried as follows:

Ayes: Anderson, Bardanoue, Barnhart, Bergman, Bird, Bohlinger, Brandewie, Brooke, Brown, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Endy, Fagg, Fisher, Foster, Galvin, Gervais, Grimes, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hibbard, J. Johnson, R. Johnson, Kadas, Knox, Larson, Mason, McCaffree, McCulloch, Menahan, Mills, Molnar, L. Nelson, Orr, Pavlovich, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Mr. Speaker.

Total 76

Noes: Bachini, Barnett, Benedict, Bergsagel, Boharski, Clark, Cobb, DeBruycker, Ellis, Feland, Gilbert, Grinde, Hayne, Herron, Kasten, Keller, T. Nelson, Peck, Spring, Zook.

Total 20

Voted Absentee: McCulloch, Rehbein, Russell, Ryan, Ayes.

Excused: McCarthy, Wagner.

Total 2

Absent or not voting: Ewer, Grady.

Total 2

**HB 500** - Representative Mercer moved HB 500 do pass.

Representative Wanzenried made a substitute motion HB 500, second reading copy, be amended as follows (amendment #1):

1. Page 2, line 13.

Following: "suppression"

Insert: "or if the proposed supplemental appropriation is requested by the superintendent of public instruction, in accordance with the provisions of 20-9-351, and is to complete the state's funding of guaranteed tax base aid, transportation aid, or equalization aid to elementary and secondary schools for the current biennium"

Amendment #1 passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Bergman, Bergsagel, Bird, Bohlinger, Brooke, Brown, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Endy, Ewer, Fagg, Feland, Fisher, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, M. Hanson, Harper, Harrington, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Knox, Larson, McCaffree, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, J. Rice, Rose, Russell, Ryan, Schwinden, Schye, Simon, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wallin, Wanzenried, Whalen, Winslow, Wyatt, Zook, Mr. Speaker.

Total 80

Noes: Benedict, Boharski, Clark, DeBruycker, Ellis, H.S. Hanson, Hayne, Keller, Mason, S. Rice, Sayles, Simpkins, Smith, Wiseman.

Total 14

Voted Absentee: Russell, Ryan, Ayes.

Excused: McCarthy, McCulloch, Rehbein, Wagner.

Total 4

Absent or not voting: Brandewie, Foster.

Total 2

Representative Mercer moved HB 500, as amended, do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Clark, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Fagg, Feland, Fisher, Foster, Galvin, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, Rose, Ryan, Sayles, Schwinden, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 87

Noes: Brooke, Brown, Cobb, Cocchiarella, Gervais, Harper, Russell.  
Total 7

Voted Absentee: McCulloch, Rehbein, Ryan, Ayes; Russell, No.

Excused: McCarthy, Wagner.  
Total 2

Absent or not voting: Brandewie, Ewer, S. Rice, Schye.  
Total 4

**SB 199** - Representative Schye moved SB 199 be concurred in. Motion carried as follows:

Ayes: Bardanouve, Barnett, Barnhart, Bergman, Bohlinger, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Gervais, Gilbert, Grimes, Hansen, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, Kadas, Larson, McCarthy, McCulloch, Menahan, Molnar, L. Nelson, Pavlovich, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Squires, Stanford, Strizich, Swanson, Tash, Toole, Tuss, Vogel, Wallin, Wanzenried, Whalen, Wiseman, Wyatt, Mr. Speaker.  
Total 65

Noes: Anderson, Bachini, Benedict, Bergsagel, Bird, Boharski, Brandewie, Cobb, DeBruycker, Feland, Fisher, Foster, Galvin, Grinde, H.S. Hanson, M. Hanson, R. Johnson, Kasten, Keller, Knox, Mason, McCaffree, Mills, T. Nelson, Orr, Peck, Rehbein, Rose, Spring, Stovall, Tunby, Wagner, Winslow, Zook.  
Total 34

Voted Absentee: McCarthy, McCulloch, Russell, Ryan, Ayes; Rehbein, Wagner, Noes.

Excused: None.  
Total 0

Absent or not voting: Grady.

Total 1

**SB 225** - Representative Knox moved SB 225 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fisher, Foster, Galvin, Gervais, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Spring, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 90

Noes: Boharski, DeBruycker, Feland, Gilbert, Kasten, Peck.

Total 6

Voted Absentee: McCarthy, McCulloch, Rehbein, Russell, Ryan, Ayes.

Excused: Wagner.

Total 1

Absent or not voting: Fagg, Smith, Squires.

Total 3

**SB 228** - Representative Gilbert moved SB 228 be concurred in. Motion carried as follows:

Ayes: Bachini, Bardanouve, Barnhart, Benedict, Bergman, Bergsagel, Bird, Bohlinger, Brooke, Brown, Cocchiarella, Daily, DeBruycker, Dolezal, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Foster, Galvin, Gilbert, Hansen, M. Hanson, Harper, Harrington, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Larson, Mason, McCaffree, McCulloch, Mills, Molnar, T. Nelson, Pavlovich, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Toole, Tunby, Tuss, Wallin, Wanzenried, Whalen, Winslow, Wyatt, Zook, Mr. Speaker.

Total 73

Noes: Anderson, Barnett, Boharski, Brandewie, Clark, Cobb, Davis, Dowell, Fisher, Gervais, Grady, Grimes, Grinde, H.S. Hanson, Hayne, Herron, Kasten, Menahan, L. Nelson, Orr, Peck, Sayles, Tash, Vogel, Wiseman.

Total 25

Voted Absentee: McCulloch, Rehbein, Russell, Ryan, Ayes.

Excused: McCarthy, Wagner.



Total 2

Absent or not voting: None.

Total 0

**SB 269** - Representative Harrington moved SB 269 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 96

Noes: Bergsagel.

Total 1

Voted Absentee: McCulloch, Rehbein, Russell, Ryan, Ayes.

Excused: McCarthy, Wagner.

Total 2

Absent or not voting: Grinde.

Total 1

**SB 275** - Representative Fagg moved SB 275 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Larson, Mason, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Pavlovich, Quilici, Raney, Ream, J. Rice, S. Rice, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 82

Noes: Bergsagel, Cobb, DeBruycker, Feland, Fisher, Herron, Kasten, McCaffree, Orr, Peck, Peterson, Rehbein, Rose, Smith, Spring, Vogel.

Total 16

Voted Absentee: McCulloch, Russell, Ryan, Ayes; Rehbein, No.

Excused: McCarthy, Wagner.

Total 2

Absent or not voting: None.

Total 0

**SB 361** - Representative Simon moved SB 361 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergsagel, Bird, Bohlinger, Brandewie, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Gervais, Gilbert, Grady, Grimes, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Larson, McCaffree, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 86

Noes: Bergman, Boharski, Cobb, DeBruycker, Feland, Galvin, Grinde, Kasten, Mason, Peck, Rehbein, Smith.

Total 12

Voted Absentee: McCulloch, Russell, Ryan, Ayes; Rehbein, No.

Excused: McCarthy, Wagner.

Total 2

Absent or not voting: None.

Total 0

**SB 383** - Representative Anderson moved SB 383 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Bohlinger, Brandewie, Brooke, Brown, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Endy, Ewer, Fagg, Fisher, Foster, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Larson, Mason, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 86

Noes: Bergsagel, Boharski, Clark, Cobb, DeBruycker, Feland, Galvin, Herron, Knox, McCaffree, Vogel.

Total 11

Voted Absentee: McCulloch, Rehbein, Russell, Ryan, Ayes.

Excused: McCarthy, Wagner.

Total 2

Absent or not voting: Ellis.

Total 1

**SB 385** - Representative Simpkins moved SB 385 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 93

Noes: Benedict, Bergsagel, DeBruycker, Feland, Vogel.

Total 5

Voted Absentee: McCarthy, McCulloch, Rehbein, Russell, Ryan, Ayes.

Excused: Wagner.

Total 1

Absent or not voting: Mason.

Total 1

**SB 393** - Representative Larson moved SB 393 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Grady, Grimes, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Larson, Mason, McCaffree, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Pavlovich, Peck, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Smith, Spring, Squires, Stanford, Stovall,

Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 87

Noes: Bergsagel, Cobb, Feland, Gilbert, Grinde, Herron, Kasten, Orr, Peterson, Rehbein, Simpkins.  
Total 11

Voted Absentee: McCulloch, Russell, Ryan, Ayes; Rehbein, No.

Excused: McCarthy, Wagner.  
Total 2

Absent or not voting: None.  
Total 0

**SB 397** - Representative Clark moved SB 397, third reading copy, be amended as follows (amendment #1):

1. Title, lines 5 and 6.  
Strike: "OR THREATENING"

2. Page 1, line 24.  
Strike: "or threatens"

Amendment #1 passed as follows:

Ayes: Anderson, Bachini, Barnett, Barnhart, Benedict, Bergman, Bird, Bohlinger, Brandewie, Brooke, Clark, Cobb, Cocchiarella, DeBruycker, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Foster, Galvin, Gervais, Gilbert, Grady, Grinde, H.S. Hanson, M. Hanson, Hayne, Herron, R. Johnson, Kasten, Keller, Larson, McCaffree, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Peck, Peterson, Raney, Rose, Sayles, Schwinden, Simon, Simpkins, Smith, Spring, Stanford, Stovall, Swanson, Tash, Wallin, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 64

Noes: Bergsagel, Boharski, Brown, Davis, Dolezal, Fisher, Grimes, Hansen, Harper, Harrington, Hibbard, J. Johnson, Kadas, Knox, Mason, Quilici, Ream, J. Rice, S. Rice, Schye, Squires, Strizich, Toole, Tunby, Tuss, Vogel, Wanzenried.  
Total 27

Excused: McCarthy, McCulloch, Rehbein, Russell, Ryan, Wagner.  
Total 6

Absent or not voting: Bardanouve, Daily, Pavlovich.  
Total 3

Representative Clark moved SB 397, third reading copy, be further amended (amendment #2). Amendment #2 failed as follows: (41-50)



Representative Sayles moved SB 397, as amended, be concurred in. Motion failed as follows:

Ayes: Bergman, Bird, Boharski, Bohlinger, Brown, Daily, Dolezal, Fagg, Fisher, Galvin, Grimes, M. Hanson, Harrington, R. Johnson, Knox, McCarthy, McCulloch, Mills, Pavlovich, Peterson, Quilici, Ream, Rehbein, J. Rice, S. Rice, Ryan, Sayles, Schye, Smith, Strizich, Swanson, Toole, Vogel, Whalen, Wiseman, Wyatt.

Total 36

Noes: Anderson, Bachini, Barnett, Barnhart, Benedict, Bergsagel, Brandewie, Brooke, Clark, Cobb, Cocchiarella, Davis, DeBruycker, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Feland, Foster, Gervais, Gilbert, Grady, Grinde, Hansen, H.S. Hanson, Hayne, Herron, Hibbard, J. Johnson, Kadas, Kasten, Keller, Larson, Mason, McCaffree, Menahan, Molnar, L. Nelson, T. Nelson, Orr, Peck, Raney, Rose, Russell, Schwinden, Simon, Simpkins, Spring, Squires, Stanford, Stovall, Tash, Tunby, Tuss, Wallin, Wanzenried, Winslow, Zook, Mr. Speaker.

Total 61

Voted Absentee: McCarthy, McCulloch, Rehbein, Ryan, Ayes; Russell, No.

Excused: Wagner.

Total 1

Absent or not voting: Bardanouve, Harper.

Total 2

**SB 407** - Representative Ream moved SB 407 be concurred in. Motion carried as follows:

Ayes: Anderson, Bardanouve, Barnett, Barnhart, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Grady, Grimes, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Herron, Hibbard, R. Johnson, Kadas, Kasten, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, Orr, Pavlovich, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 86

Noes: Bachini, Benedict, Bergsagel, DeBruycker, Feland, Gilbert, Grinde, Hayne, Keller, T. Nelson, Peck, Peterson.

Total 12

Voted Absentee: McCarthy, McCulloch, Rehbein, Russell, Ryan, Ayes.

Excused: Wagner.

Total 1

Absent or not voting: J. Johnson.  
Total 1

**SJR 3** - Representative Ream moved SJR 3 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnhart, Benedict, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Dolezal, Dowell, Elliott, Ellis, Endy, Fagg, Fisher, Foster, Galvin, Gervais, Grady, Grimes, Grinde, Hansen, M. Hanson, Harper, Harrington, Hibbard, Kadas, Knox, McCaffree, McCulloch, Menahan, Molnar, L. Nelson, Pavlovich, Peck, Quilici, Raney, Ream, J. Rice, S. Rice, Russell, Ryan, Schwinden, Schye, Simon, Simpkins, Squires, Stanford, Strizich, Swanson, Toole, Tunby, Tuss, Wagner, Wallin, Whalen, Winslow, Wyatt, Mr. Speaker.  
Total 66

Noes: Barnett, Bergman, Bergsagel, Davis, DeBruycker, Driscoll, Ewer, Feland, Gilbert, H.S. Hanson, Hayne, Herron, R. Johnson, Kasten, Keller, Larson, Mason, Mills, T. Nelson, Orr, Peterson, Rehbein, Rose, Sayles, Smith, Spring, Stovall, Tash, Vogel, Wanzenried, Wiseman, Zook.  
Total 32

Voted Absentee: McCulloch, Russell, Ryan, Wagner, Ayes; Rehbein, No.

Excused: McCarthy.  
Total 1

Absent or not voting: J. Johnson.  
Total 1

**SJR 14** - Representative Dolezal moved SJR 14 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, McCaffree, McCarthy, McCulloch, Menahan, Mills, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 87

Noes: Bergsagel, DeBruycker, Feland, Hayne, Herron, Larson, Mason, Molnar, Rehbein, Spring.  
Total 10

Voted Absentee: McCarthy, McCulloch, Ryan, Ayes; Rehbein, No.

Excused: Russell, Wagner.

Total 2

Absent or not voting: Grinde.

Total 1

**SB 214** - Representative Gilbert moved SB 214 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Bohlinger, Brandewie, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 95

Noes: Boharski, Cobb, Rehbein.

Total 3

Voted Absentee: McCulloch, Russell, Ryan, Ayes; Rehbein, No.

Excused: McCarthy, Wagner.

Total 2

Absent or not voting: None.

Total 0

**SB 258** - Representative Ewer moved consideration of SB 258 be placed at the bottom of the second reading board. Motion carried.

**SB 282** - Representative Tash moved SB 282 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 96

Noes: None.  
Total 0

Voted Absentee: Rehbein, Russell, Ryan, Ayes.

Excused: McCarthy, McCulloch, Wagner.  
Total 3

Absent or not voting: Sayles.  
Total 1

**SB 284** - Representative Gilbert moved SB 284 be concurred in. Motion carried as follows:

Ayes: Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cocchiarella, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCulloch, Menahan, Mills, L. Nelson, T. Nelson, Pavlovich, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 84

Noes: Anderson, Bachini, Bergsagel, Cobb, DeBruycker, Feland, Molnar, Orr, Peck, Peterson, Rehbein.  
Total 11

Voted Absentee: McCulloch, Russell, Ryan, Ayes; Rehbein, No.

Excused: McCarthy, Wagner.  
Total 2

Absent or not voting: Daily, H.S. Hanson, Squires.  
Total 3

**SB 296** - Representative Bird moved SB 296, third reading copy, be amended as follows (amendment #1):

1. Page 3, line 21.  
Following: "(6)"  
Insert: "(a)"

2. Page 3.  
Following: line 24  
Insert: "(b) If the board establishes a program under subsection (6)(a), the program must emphasize relevant water quality protection standards and procedures."

Amendment #1 passed as follows:



Ayes: Anderson, Bachini, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 91

Noes: Boharski.  
Total 1

Excused: McCarthy, McCulloch, Rehbein, Russell, Ryan, Wagner.  
Total 6

Absent or not voting: Bardanouve, Grinde.  
Total 2

Representative Foster moved SB 296, third reading copy, be further amended as follows (amendment #2):

1. Page 1, lines 16 and 17.  
Strike: "department" on line 16 through "conservation" on line 17  
Insert: "board"
2. Page 3, line 11.  
Strike: "recently"
3. Page 3, line 12.  
Following: "standards"  
Insert: "within the previous 6 months"
4. Page 3, line 13.  
Following: "operations"  
Insert: "undertaken for the subsequent 12 months"  
Strike: "department"  
Insert: "board"

Amendment #2 passed as follows:

Ayes: Anderson, Barnett, Benedict, Bergsagel, Bird, Boharski, Brandewie, Brown, Clark, Cobb, DeBruycker, Ellis, Feland, Fisher, Foster, Gilbert, Grimes, Grinde, Hansen, H.S. Hanson, Harrington, Hayne, Herron, Hibbard, R. Johnson, Kasten, Keller, Knox, Larson, Mason, McCaffree, L. Nelson, T. Nelson, Orr, Peterson, Quilici, S. Rice, Rose, Sayles, Simpkins, Smith, Spring, Stovall, Tash, Toole, Tunby, Vogel, Wallin, Winslow, Zook, Mr. Speaker.  
Total 51

Noes: Bachini, Bardanoue, Barnhart, Bohlinger, Brooke, Davis, Dolezal, Driscoll, Elliott, Endy, Ewer, Fagg, Galvin, Gervais, M. Hanson, Harper, J. Johnson, Kadas, Menahan, Mills, Molnar, Peck, Raney, Ream, J. Rice, Schwinden, Schye, Simon, Squires, Stanford, Strizich, Swanson, Tuss, Wanzenried, Whalen, Wiseman, Wyatt.

Total 37

Excused: McCarthy, McCulloch, Rehbein, Russell, Ryan, Wagner.

Total 6

Absent or not voting: Bergman, Cocchiarella, Daily, Dowell, Grady, Pavlovich.

Total 6

Representative Fagg moved SB 296, as amended, be concurred in. Motion failed as follows:

Ayes: Bardanoue, Bohlinger, Brooke, Brown, Daily, Endy, Fagg, Galvin, M. Hanson, Harper, Kadas, Menahan, Mills, Pavlovich, Peck, Peterson, Ream, Rehbein, S. Rice, Russell, Ryan, Schwinden, Simon, Stanford, Strizich, Swanson, Tunby, Whalen, Wyatt.

Total 29

Noes: Anderson, Bachini, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Brandewie, Clark, Cobb, Cocchiarella, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Ewer, Feland, Fisher, Foster, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kasten, Keller, Knox, Larson, Mason, McCaffree, Molnar, L. Nelson, T. Nelson, Orr, Quilici, Raney, J. Rice, Rose, Sayles, Schye, Simpkins, Smith, Spring, Squires, Stovall, Tash, Toole, Tuss, Vogel, Wagner, Wallin, Wanzenried, Winslow, Wiseman, Zook, Mr. Speaker.

Total 69

Voted Absentee: Rehbein, Russell, Ryan, Ayes; Wagner, No.

Excused: McCarthy, McCulloch.

Total 2

Absent or not voting: None.

Total 0

**SB 319** - Representative Bachini moved SB 319 be concurred in. Motion carried as follows:

Ayes: Bachini, Bardanoue, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Boharski, Bohlinger, Brandewie, Brooke, Brown, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein,

J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Tunby, Tuss, Vogel, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Zook, Mr. Speaker.

Total 91

Noes: Ewer, Toole, Wyatt.

Total 3

Voted Absentee: McCarthy, Rehbein, Russell, Ryan, Ayes.

Excused: McCulloch, Wagner.

Total 2

Absent or not voting: Anderson, Bird, Clark, Cobb.

Total 4

**SB 331** - Representative M. Hanson moved SB 331 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Peck, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wallin, Wanzenried, Whalen, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 93

Noes: DeBruycker, Rehbein.

Total 2

Voted Absentee: McCarthy, Russell, Ryan, Ayes; Rehbein, No.

Excused: McCulloch, Wagner.

Total 2

Absent or not voting: Daily, Pavlovich, Winslow.

Total 3

**SB 350** - Representative Rose moved SB 350 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Grady, Grimes, Grinde, Hansen, M. Hanson, Harper, Harrington, Hayne, Herron,

Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Zook, Mr. Speaker.  
Total 92

Noes: Cobb, Feland, Gilbert, Vogel, Wyatt.  
Total 5

Voted Absentee: McCulloch, Rehbein, Russell, Ryan, Ayes.

Excused: McCarthy, Wagner.  
Total 2

Absent or not voting: H.S. Hanson.  
Total 1

**SB 419** - Representative Pavlovich moved SB 419 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Bohlinger, Brandewie, Brooke, Brown, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Larson, Mason, McCaffree, McCulloch, Menahan, Mills, Molnar, L. Nelson, Orr, Pavlovich, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 85

Noes: Bergsagel, Boharski, Clark, DeBruycker, Feland, Gilbert, Hayne, Kasten, T. Nelson, Peck, Peterson, Rehbein, Wallin.  
Total 13

Voted Absentee: McCulloch, Russell, Ryan, Ayes; Rehbein, No.

Excused: McCarthy, Wagner.  
Total 2

Absent or not voting: None.  
Total 0

**SB 420** - Representative Pavlovich moved SB 420 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark,



Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 98

Noes: Bergsagel.  
Total 1

Voted Absentee: McCarthy, McCulloch, Rehbein, Russell, Ryan, Ayes.

Excused: Wagner.  
Total 1

Absent or not voting: None.  
Total 0

Representative Grinde moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman J. Rice moved the adoption of the committee report. Report adopted. (84-9)

### MOTIONS

Representative Bachini moved he be allowed to change his vote on SB 168, second reading, from no to aye. Motion carried.

Representative Grady moved SB 206 be taken from second reading and rereferred to the Committee on Appropriations. Motion carried.

Representative Molnar moved HB 370 be taken from the Committee on Judiciary and rereferred to the Committee on Appropriations. Motion carried.

### REPORTS OF STANDING COMMITTEES

BUSINESS AND ECONOMIC DEVELOPMENT (Benedict, Chairman):

3/12/93

**SB 218**, third reading copy, be amended as follows:

1. Title, line 9.

Following: "REQUIRING"

Insert: "FILING AND"

2. Title, line 10.

Following: "APPROVAL"

Insert: "IN CERTAIN INSTANCES"

3. Page 4, line 21.

Following: "Montana"

Insert: "that is willing to match the price charged to the group or plan by the mail service pharmacy for a drug"

4. Page 5, line 17.

Strike: "licensing"

Following: "standards"

Insert: "for utilization of technicians"

5. Page 6, line 14.

Following: "technicians"

Insert: "if allowed by the state where the mail service pharmacy is located.  
Any plan"

6. Page 6, line 15.

Strike: "NO"

7. Page 6, lines 16 and 17.

Following: "IN-STATE" on line 16

Strike: "HOSPITAL"

Insert: "retail"

Following: "RULES" on line 16

Strike: the remainder of line 16 through "approval"

Insert: "must be approved"

8. Page 6, line 18.

Strike: ".,"

Insert: ".,"

9. Page 6, line 23.

Strike: "APPROVED"

10. Page 6, line 24.

Following: "PLAN"

Insert: ", if any"

11. Page 7, line 6.

Strike: "CHAPTER"

Insert: "part"

And, as amended, be concurred in. Report adopted.

**SB 340**, third reading copy, be concurred in. Report adopted.

HUMAN SERVICES AND AGING (Boharski, Chairman):

3/13/93

**SB 118**, third reading copy, be amended as follows:

1. Title, line 8.

Following: "HOMES;"

Insert: "PROHIBITING SUPPLEMENTARY PAYMENTS FOR RESIDENTS OF  
CERTAIN PERSONAL-CARE FACILITIES;"

Strike: "AND"

2. Title, line 9.

Following: "~~76-2-411,~~"

Insert: "AND 52-1-104,"

3. Page 15, line 19.

Strike: "and"

4. Page 15, line 20.

Following: "operating a"

Insert: "category A"

5. Page 15, line 23.

Following: "facility"

Insert: "; and

(e) standards for operating a category B personal-care facility, which must include the standards for a category A personal-care facility and additional standards for assessment of residents, care planning, qualifications and training of staff, restraint use and reduction, prevention and care of pressure sores, incontinence care, and the storage and administration of drugs"

6. Page 26.

Following: line 9

Insert: "Section 5. Section 52-1-104, MCA, is amended to read:

"52-1-104. Department authorized to provide and set standards for supplementary payments. (1) The Except as provided in this section, the department shall have the authority to provide supplementary payments from state funds to recipients of supplemental security income for the aged, blind, or disabled under Title XVI of the Social Security Act of the United States or any future amendments thereto.

(2) The department shall have the authority to establish standards of assistance and apply them uniformly throughout the state and to determine individuals eligible for and the amount of such supplementary payments under federal and state guidelines.

(3) The department may not provide supplementary payments under subsection (1) for persons who are residents of category B personal-care facilities licensed pursuant to 50-5-227."

Renumber: subsequent sections

7. Page 26, line 10.

Strike: "[This Act]"

Insert: "[Sections 1 through 4] "

And, as amended, be concurred in. Report adopted.

**SB 121**, third reading copy, be amended as follows:

1. Title, line 6.

Following: "ACT,"

Insert: "PROVIDING DEFINITIONS;"

2. Title, line 7.

Strike: "A"

Insert: "AN ADVANCED PRACTICE REGISTERED"

3. Title, line 8.

Strike: "SPECIALIST"

4. Page 2.

Following: line 10

Insert: "(1) "Advanced practice registered nurse" means a registered professional nurse who has completed educational requirements related to the nurse's specific practice role, in addition to basic nursing education, as specified by the board pursuant to 37-8-202(5)(a)."

Renumber: subsequent subsections

5. Page 3, lines 10 and 11.

Strike: "NURSE SPECIALIST"

Insert: "advanced practice registered nurse"

6. Page 4, line 5.

Strike: "nurse specialists"

Insert: "advanced practice registered nurses"

7. Page 4, line 10.

Strike: "(4)(b)"

Insert: "(5)(b)"

8. Page 7, line 18.

Strike: "specialty areas of nursing"

Insert: "advanced practice registered nurses"

Strike: "Specialty areas of nursing"

Insert: "Advanced practice registered nurses"

9. Page 7, line 19.

Strike: "those that require"

Insert: "nurses who must have"

10. Page 7, line 23.

Strike: "specialty area"

Following: "body"

Insert: "for advanced practice registered nurses"

11. Page 7, lines 23 and 24.

Strike: "Specialty areas of nursing"

Insert: "Advanced practice registered nurses"

12. Page 7, line 25 and page 8, line 1.

Strike: "NURSE SPECIALISTS"

Insert: "advanced practice registered nurses"

13. Page 8, lines 20 and 21.

Strike: "BY INCREASING LICENSING FEES AS NECESSARY"



And, as amended, be concurred in. Report adopted.

**SB 166**, third reading copy, be concurred in. Report adopted.

**SB 291**, third reading copy, be concurred in. Report adopted.

**SB 313**, third reading copy, be amended as follows:

1. Page 2.

Following: line 11

Insert: "(4) A resident of an adult foster family care home licensed under subsection (2) must have a signed statement, renewed, on an annual basis, from a physician assistant-certified, a nurse practitioner, or a registered nurse, whose work is unrelated to the operation of the home and who:

(a) actually visited the home within the year covered by the statement;

(b) has certified that the particular needs of the resident can be adequately met in the home; and

(c) has certified that there has been no significant change in health care status that would require another level of care."

And, as amended, be concurred in. Report adopted.

**SB 403**, third reading copy, be amended as follows:

1. Title, line 8.

Following: "~~AND~~"

Insert: "EXCLUDING CERTAIN OUTPATIENT FACILITIES AND LOCAL PUBLIC HEALTH AGENCIES FROM LICENSURE BY THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES;"

2. Page 12, line 15.

Strike: "A"

Insert: "Except as provided in subsection (5), a"

3. Page 12, line 22 through page 13, line 1.

Strike: subsection (3) in its entirety

Renumber: subsequent subsections

4. Page 13.

Following: line 7

Insert: "(5) A license is not required for a local public health agency and for an outpatient facility that is certified by the federal government."

5. Page 13, line 8.

Strike: "THIS ACT"

Insert: "[Section 2(5)]"

And, as amended, be concurred in. Report adopted.

**SJR 11**, third reading copy, be concurred in. Report adopted.

SELECT SCHOOL FUNDING (Cobb, Chairman):

**HB 667**, introduced bill, be amended as follows:

3/13/93

1. Title, page 1, line 14.

Following: "THAT"

Strike: "45"

Insert: "40"

Following: "AND"

Strike: "45"

Insert: "40"

2. Title, page 1, line 16.

Strike: "35"

Insert: "40"

3. Title, page 1, line 17.

Strike: "35"

Insert: "40"

4. Title, line 22.

Strike: "WITHOUT"

Insert: "WITH THE OPTION OF"

5. Title, page 1, line 23.

Strike: "ABOVE THE BASE BUDGET AND"

6. Title, page 2, line 3.

Strike: "236"

Insert: "303"

7. Title, page 2, lines 5 and 6.

Following: "TO" on line 5

Strike: line 5 through "YEAR" on line 6

Insert: "PHASE IN BUDGET REDUCTIONS OVER A 5-YEAR PERIOD,  
STARTING WITH A BUDGET FREEZE IN THE FIRST YEAR OF  
IMPLEMENTATION,"

8. Title, page 2, line 9.

Following: "BUDGET"

Insert: ", WITH AN EXEMPTION FROM THE VOTER APPROVAL  
REQUIREMENT FOR THE FIRST 2 YEARS OF IMPLEMENTATION;  
CREATING A FEDERAL IMPACT AID FUND"

9. Title, page 2, line 11.

Following: "20-9-141,"

Insert: "20-9-143,"

Following: "20-9-163,"

Insert: "20-9-201,"

10. Title, page 2, line 13.

Following: "20-9-347,"

Insert: "20-9-348,"

11. Title, page 2, line 16.

Strike: "20-9-348,"

12. Title, page 2, lines 17 and 18.

Strike: "AN" on line 17

Strike: "DATE" on line 18

Insert: "DATES AND RETROACTIVE APPLICABILITY DATES"

13. Page 3, line 4.

Strike: ". The"

Insert: "; the"

14. Page 3, line 10.

Following: "Constitution"

Strike: "."

Insert: "; and

WHEREAS, it is the intent of the Legislature that for the year of implementation of [this act], the Office of the Superintendent of Public Instruction focus first on implementing procedures and processes within [this act] and on assisting school districts to calculate and adopt adequate general fund budgets in compliance with [this act] and that, as soon as practical after the adoption of district final budgets, the Office of the Superintendent of Public Instruction implement essential rulemaking procedures; and

WHEREAS, the Legislature recognizes that school districts and the Office of the Superintendent of Public Instruction will need assistance in order to implement [this act] before the school fiscal year beginning July 1993 and intends that the Office of the Legislative Auditor provide available computer models and consultation, as necessary and as approved by the Legislative Audit Committee, to the Office of Public Instruction to ensure that a transition to the provisions of [this act] is accomplished with a minimum of delay and inconvenience to the districts; and

WHEREAS, the Legislature intends that the implementation of [this act] be accomplished with a minimum of additional reporting workload at the district and state level and that the Office of the Superintendent of Public Instruction, school districts, and county superintendents be strongly encouraged to implement electronic reporting and transmitting of data and information as soon as practical, using existing telecommunications networks, computer diskettes, or any other standardized means practicable."

15. Page 5, line 1.

Strike: "45%"

Insert: "40%"

16. Page 5, line 2.

Strike: "45%"

Insert: "40%"

17. Page 5, line 6.

Strike: "35%"

Insert: "40%"

18. Page 5, line 7.

Insert: "35%"

Insert: "40%"

19. Page 5, line 13.

Strike: "2,500" in both places

Insert: "1,000" in both places

20. Page 5, line 14.

Strike: "2,500th"

Insert: "1,000th"

21. Page 5, line 18.

Strike: "2,500"

Insert: "2,000"

22. Page 5, line 19.

Strike: "2,500"

Insert: "2,000"

23. Page 5, line 20.

Strike: "2,500th"

Insert: "2,000th"

24. Page 6, line 1.

Strike: "2,500" in both places

Insert: "2,000" in both places

25. Page 6, line 2.

Strike: "2,500th"

Insert: "2,000th"

26. Page 6, line 5.

Strike: "2,500" in both places

Insert: "2,000" in both places

27. Page 6, line 6.

Strike: "2,500th"

Insert: "2,000th"

28. Page 7, line 22.

Strike: "act"

Insert: "section"

29. Page 7, line 25 through page 8, line 1.

Following: "which to" on page 7, line 25

Strike: line 25 through "increments" on page 8, line 1

Insert: "reach"

30. Page 8, lines 2 through 5.

Following: "years" on line 2

Strike: remainder of line 2 through "compute" on line 5

Insert: "by increasing the general fund budget by the greater of:



(a) 20% of the range between the current general fund budget and the BASE budget calculated for the district for the ensuing school fiscal year; or

(b)"

31. Page 8, line 6.

Strike: "increase"

Insert: "increases"

32. Page 8, line 13.

Strike: "greater"

Insert: "greatest"

33. Page 8, line 14.

Following: "(i)"

Insert: "for the school fiscal year beginning [on the effective date of this section], the district's general fund budget for the immediately preceding school fiscal year or the general fund budget per-ANB for the immediately preceding school fiscal year multiplied by the current year's ANB for budgeting purposes;

(ii) for the second school fiscal year following [the effective date of this section], 99% of the district's general fund budget for the immediately preceding school fiscal year or 99% of the general fund budget per-ANB for the immediately preceding school fiscal year multiplied by the current year's ANB for budgeting purposes;

(iii) for the third school fiscal year following [the effective date of this section],"

34. Page 8, line 15.

Following: "year"

Insert: "or 98% of the general fund budget per-ANB for the immediately preceding school fiscal year multiplied by the current year's ANB for budgeting purposes;

(iv) for the fourth and succeeding school fiscal years following [the effective date of this section], 97% of the district's general fund budget for the immediately preceding school fiscal year or 97% of the general fund budget per-ANB for the immediately preceding school fiscal year multiplied by the current year's ANB for budgeting purposes"

Renumber: subsequent subsection

35. Page 8, line 18.

Strike: "The"

Insert: "Except for the first 2 school fiscal years following [the effective date of this section] during which no election for an additional levy is required, the"

36. Page 9, line 25.

Following: line 24

Insert: "(6) Whenever the trustees of a district adopt a general fund budget under the provisions of subsection (5), they may submit a proposition on the over-BASE budget levy to the electors of the district as provided in 20-9-353."

37. Page 16, line 14.

Following: "education fund,"

Insert: "impact aid fund,"

38. Page 29, line 4.

Following: "20-9-353"

Insert: ", except that districts with a balance on July 1, 1993, in the excess reserve account for Public Law 81-874 funds shall transfer the July 1, 1994, balance to the impact aid fund established in [section 35]"

39. Page 32, line 21.

Following: line 20

Insert: "Section 12. Section 20-9-104, "MCA, is amended to read:

"20-9-104. ~~(Temporary)~~ General fund operating reserve. (1)

At the end of each school fiscal year, the trustees of each district shall designate the portion of the general fund end-of-the-year fund balance that is to be earmarked as operating reserve for the purpose of paying general fund warrants issued by the district from July 1 to November 30 of the ensuing school fiscal year. Except as provided in subsections (5) through (7), the amount of the general fund balance that is earmarked as operating reserve may not exceed 10% of the final general fund budget for the ensuing school fiscal year.

(2) The amount held as operating reserve may not be used for property tax reduction in the manner permitted by 20-9-141(1)(b) for other receipts.

(3) Excess reserves as provided in subsection (5) may be appropriated to reduce the permissive levy provided by 20-9-145 or to reduce the voted levy provided by 20-9-353.

(4) Any portion of the general fund end-of-the-year fund balance that is not reserved under subsection (2) or reappropriated under subsection (3) is fund balance reappropriated and must be used for property tax reduction as provided in 20-9-141(1)(b)(iii).

(5) For fiscal year 1994 and subsequent fiscal years, the limitation of subsection (1) does not apply when the amount in excess of the limitation is equal to or less than one or more of the following:

(a) ~~any amount received under Public Law 81-874;~~

(b) the unused balance of any amount received:

(i) in settlement of tax payments protested in a prior school fiscal year;

(ii) in taxes from a prior school fiscal year as a result of a tax audit by the department of revenue or its agents; and

(iii) in delinquent taxes from a prior school fiscal year; or

(e)(b) any amount received as a general bonus payment under 20-6-401.

(6) The limitation of subsection (1) does not apply when the amount earmarked as operating reserve is \$10,000 or less.

(7) For fiscal year 1993, the limitation of subsection (1) does not apply when the amount in excess of the limitation is equal to or less than the amounts identified by a school district as one or more of the following:

(a) any amount received under Public Law 81-874;

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- (b) the unused balance of any amount received:
  - (i) in settlement of tax payments protested in a prior school fiscal year;
  - (ii) in taxes from a prior school fiscal year as a result of a tax audit by the department of revenue or its agents; and
  - (iii) in delinquent taxes from a prior school fiscal year; or
- (c) any amount received as a general bonus payment under 20-6-401.

~~20-9-104. (Effective on occurrence of contingency) General fund operating reserve. (1) At the end of each school fiscal year, the trustees of each district shall designate the portion of the general fund end of the year fund balance that is to be earmarked as operating reserve for the purpose of paying general fund warrants issued by the district from July 1 to November 30 of the ensuing school fiscal year. Except as provided in subsections (5) through (7), the amount of the general fund balance that is earmarked as operating reserve may not exceed 10% of the final general fund budget for the ensuing school fiscal year.~~

~~(2) The amount held as operating reserve may not be used for property tax reduction in the manner permitted by 20-9-141(1)(b) for other receipts.~~

~~(3) Any unreserved fund balance that is equal to or less than the prior year's excess reserves as provided in subsection (5) may be used to reduce the permissive levy provided by 20-9-145 or to reduce the voted levy provided by 20-9-353.~~

~~(4) Any portion of the general fund end of the year fund balance that is not reserved under subsection (2) or reappropriated under subsection (3) is fund balance reappropriated and must be used for property tax reduction as provided in 20-9-141(1)(b)(iii).~~

~~(5) For fiscal year 1994 and subsequent fiscal years, the limitation of subsection (1) does not apply when the amount in excess of the limitation is equal to or less than one or more of the following:~~

- ~~(a) any amount received under Public Law 81-874 in the current school fiscal year;~~
- ~~(b) the unused balance of any amount received:~~
  - ~~(i) in settlement of tax payments protested in a prior school fiscal year;~~
  - ~~(ii) in taxes from a prior school fiscal year as a result of a tax audit by the department of revenue or its agents; and~~
  - ~~(iii) in delinquent taxes from a prior school fiscal year; or~~
- ~~(c) any amount received as a general bonus payment under 20-6-401.~~

~~(6) The limitation of subsection (1) does not apply when the amount earmarked as operating reserve is \$10,000 or less.~~

~~(7) A district that received Public Law 81-874 money in a prior year and that must reduce its operating reserve to 10% pursuant to this section in the next school fiscal year may consider a percentage of the unreserved fund balance to be an excess amount as provided in subsection (5). The percentage of unreserved fund balance that may be considered an excess amount is the average of the 3 previous years' ratio of total district general fund revenue to Public Law 81-874 money received."~~



Renumber: subsequent sections

40. Page 35, lines 8 through 12.

Following: "(i)" on line 8

Strike: lines 8 through "(ii)" on line 12

Renumber: subsequent subsections

41. Page 37, line 20.

Following: line 19

Insert: "Section 15. Section 20-9-143, MCA, is amended to read:

"20-9-143. Allocation of federal funds in lieu of property taxation. Federal funds received by a district under the provisions of Title I of Public Law 81-874 or funds designated in lieu of such federal act by the congress of the United States ~~may~~ must be ~~allocated to the various operating budgets of the district by the trustees deposited in the impact aid fund established in [section 35].~~"

Renumber: subsequent sections

42. Page 42, line 2.

Following: line 1

Insert: "Section 19. Section 20-9-201, MCA, is amended to read:

"20-9-201. Definitions and application. (1) As used in this title, unless the context clearly indicates otherwise, "fund" means a separate detailed account of receipts and expenditures for a specific purpose as authorized by law or by the superintendent of public instruction under the provisions of subsection (2). Funds are classified as follows:

(a) A "budgeted fund" means any fund for which a budget must be adopted in order to expend money from the fund. The general fund, transportation fund, bus depreciation reserve fund, tuition fund, retirement fund, debt service fund, building reserve fund, adult education fund, nonoperating fund, and any other funds designated by the legislature are budgeted funds.

(b) A "nonbudgeted fund" means any fund for which a budget is not required in order to expend money on deposit in the fund. The school food services fund, miscellaneous programs fund, building fund, lease or rental agreement fund, traffic education fund, interlocal cooperative fund, internal service fund, impact aid fund, enterprise fund, agency fund, extracurricular fund, metal mines tax reserve fund, endowment fund, and any other funds designated by the legislature are nonbudgeted funds.

(2) The school financial administration provisions of this title apply to all money of any elementary or high school district. Elementary and high school districts shall record the receipt and disbursement of all money in accordance with generally accepted accounting principles. The superintendent of public instruction has general supervisory authority as prescribed by law over the school financial administration provisions, as they relate to elementary and high school districts. The superintendent of public instruction shall adopt rules necessary to secure compliance with the law.

(3) Except as otherwise provided by law, whenever the trustees of a district determine that a fund is inactive and will no



longer be used, the trustees shall close the fund by transferring all cash and other account balances to the general fund if the fund does not have a cash or fund balance deficit.""

Renumber: subsequent sections

43. Page 43, lines 16 and 17.

Strike: "Budgeting" on line 16 through "expenditures" on line 17

Insert: "Expenditures"

44. Page 44, line 2.

Strike: "amount"

Insert: "payment"

45. Page 51, line 13.

Strike: "amount"

Insert: "payment"

46. Page 51, line 15.

Strike: "amount "

Insert: "payment"

47. Page 52, line 10.

Strike: "amount"

Insert: "payment"

48. Page 53, line 16.

Strike: "amount"

Insert: "payment"

49. Page 54, lines 10 through 21.

Following: "(6)" on line 10

Strike: lines 10 through 21 in their entirety

Insert: "The sum of the allowable cost payment in subsection (2) and any contingency funds in subsection (4) is the special education budget amount for accounting purposes. The special education budget must be added to the BASE funding program budget calculated under the provisions of [section 3] to obtain the total BASE funding program budget."

50. Page 61, line 17.

Following: "county"

Insert: "that has sent a final budget to the superintendent of public instruction in accordance with the provisions of 20-9-134"

51. Page 62, line 7.

Following: line 6

Insert: "Section 27. Section 20-9-346, MCA, is amended to read:

"20-9-346. Duties of the superintendent of public instruction for state equalization aid distribution. The superintendent of public instruction shall administer the distribution of the state equalization aid by:

(1) establishing the annual entitlement of each district and county to state equalization aid, based on the data reported in the

retirement and general fund budgets for each district that have been duly adopted for the current school fiscal year and verified by the superintendent of public instruction and by applying the verified data under the provisions of the state equalization aid allocation procedure prescribed in 20-9-347;

(2) distributing by ~~state warrant or~~ electronic transfer the state equalization aid and state advances for county equalization, for each district or county entitled to the aid, to the county treasurer of the respective county or county where the district is located, in accordance with the distribution ordered by the board of public education;

(3) keeping a record of the full and complete data concerning money available for state equalization aid, state advances for county equalization, and the entitlements for state equalization aid of the districts of the state;

(4) reporting to the board of public education the estimated amount that will be available for state equalization aid; and

(5) reporting to the legislature as provided in 5-11-210:

(a) the figures and data available concerning distributions of state equalization aid during the preceding 2 school fiscal years;

(b) the amount of state equalization aid then available;

(c) the apportionment made of the available money but not yet distributed;

(d) the latest estimate of accruals of money available for state equalization aid; and

(e) the amount of state advances and repayment for county equalization."

Renumber: subsequent sections

52. Page 65, line 5.

Following: line 4

Insert: "Section 29. Section 20-9-348, MCA, is amended to read:

"20-9-348. Estimation of state equalization aid for budget purposes. The apportionment of from the state equalization aid ~~shall be account~~ is the second source of revenue in calculating the financing of the elementary district ~~foundation~~ BASE funding program and the high school district ~~foundation~~ BASE funding program. In order to allow for the estimation of the amount of money to be realized from this source of revenue when the county superintendent is estimating the general fund budget revenues, the county superintendent shall consider that the state ~~foundation~~ program revenues equalization aid money and county equalization ~~moneys~~ money, together, will be capable of financing 100% of the ~~foundation~~ BASE funding program."

Renumber: subsequent sections

53. Page 66, line 12.

Strike: "When"

Insert: "Except as provided in [section 3 (3)(b)], when"

54. Page 68, line 6.

Following: line 5

Insert: "(5) If the trustees of a district choose to submit a proposition for an over-BASE budget levy to the electors of the district as provided in [section 3], the trustees shall comply with the provisions of subsections (2) through (4)."

55. Page 69, line 20.

Strike: "236%"

Insert: "303%"

56. Page 70, line 8.

Strike: "35%" in both places

Insert: "40%" in both places

57. Page 71, line 14.

Strike: "35%" in both places

Insert: "40%" in both places

58. Page 72, line 6.

Following: line 5

Insert: "NEW SECTION. Section 35. Impact aid fund. (1) The trustees of a district that receives federal funds under the provisions of Title I of Public Law 81-874 shall establish an impact aid fund. Money received under the provisions of Public Law 81-874 must be deposited with the county treasurer to the credit of the impact aid fund.

(2) The expenditure of money from the impact aid fund must be made pursuant to Title I of Public Law 81-874. The impact aid fund must be administered pursuant to the financial administration provisions of this title for nonbudgeted funds."

ReNUMBER: subsequent sections

59. Page 72, line 8.

Following: "20-9-320,"

Insert: "and"

Following: "20-9-322,"

Strike: "and 20-9-348,"

60. Page 72, line 12.

Following: "20-9-333,"

Insert: "20-9-335,"

61. Page 72, line 21.

Following: "cost"

Insert: "payment"

62. Page 72, line 23.

Following: "3"

Insert: " and 35"

63. Page 72, line 25.

Following: "3"

Insert: "and 35"

64. Page 73, line 1.

Strike: "date. [This act]"

Insert: "dates -- retroactive applicability. (1) Except as provided in subsections (2) through (4), [this act]"

65. Page 73, line 3.

Following: line 2

Insert: "(2) [Section 11] is effective July 1, 1993, and the provisions of [section 11(3)] relating to excess reserves and Public Law 81-874 money apply retroactively, within the meaning of 1-2-109, to district general fund reserves for the school fiscal year beginning July 1, 1992.

(3) [Section 12] is effective July 1, 1994, and applies retroactively, within the meaning of 1-2-109, to district general fund reserves for the school fiscal year beginning July 1, 1993.

(4) The amendment striking former [section 22(2)], relating to special education ANB eligibility, is effective July 1, 1994."

And, as amended, do pass and be referred to the House Committee on Education and Cultural Resources for its consideration as part of the School Funding package. Report adopted.

SELECT WORKERS' COMPENSATION (Hibbard, Chairman): 3/13/93  
**HB 453**, introduced bill, be amended as follows:

1. Title, lines 7 through 9.

Strike: "CREATING" on line 7 through "FRAUD;" on line 9

2. Title, lines 11 and 12.

Strike: "REDUCE" on line 11 through "FUND" on line 12

Insert: "SUPPORT THE INVESTIGATION AND PROSECUTION OF WORKERS' COMPENSATION FRAUD"

3. Page 2, line 10.

Following: "shall"

Insert: ": (i)"

4. Page 2, lines 11 and 12.

Following: "(3)(a)" on line 11

Strike: "1;" on line 11 through "(i)" on line 12

5. Page 2, line 13.

Following: "section;"

Insert: "and"

6. Page 2, lines 14 through 20.

Strike: "to" on line 14 through "39-71-2312" on line 20

Insert: "forward any surplus money to the department of justice. The forwarded money must be used exclusively for the staffing and operation of the workers' compensation fraud investigation and prosecution office established in [section 1 of Senate Bill No. 164]."

7. Page 5.



Following: line 17

Insert: NEW SECTION. Section 3. Coordination instruction. If Senate Bill No. 164 is not passed and approved or does not establish a workers' compensation fraud investigation and prosecution office, then subsection (3)(b)(ii) of [section 1 of this act], amending 39-71-316, must read:

"(ii) forward any surplus money to the state fund, as defined in 39-71-2312, to reduce the unfunded liability of claims arising before July 1, 1990."

And, as amended, do pass and be referred to the House Committee on Labor and Employment Relations for its consideration as part of the Workers' Compensation package. Report adopted.

**HB 455**, introduced bill, do pass and be referred to the House Committee on Labor and Employment Relations for its consideration as part of the Workers' Compensation package. Report adopted.

**HB 504**, introduced bill, be amended as follows:

1. Title, line 7.

Following: "TAX"

Strike: "TO 1 PERCENT"

Following: "IMPOSING"

Strike: "A 1 PERCENT"

Insert: "AN"

2. Title, line 9.

Following: ";

Insert: "PROVIDING APPROPRIATIONS;"

3. Title, line 10.

Following: "SECTIONS"

Insert: "15-30-207, 39-71-406,"

4. Page 5, line 7.

Strike: "1%"

Insert: "0.28%, plus the additional amount of payroll tax provided in [section 5],"

5. Page 5, line 11.

Strike: "1%"

Insert: "0.28%, plus the additional amount of payroll tax provided in [section 5],"

6. Page 5, lines 17 and 18.

Following: "a sole proprietor"

Strike: the remainder of lines 17 and 18 in their entirety

Insert: "or a working partner of a partnership who elects coverage under 39-71-401 shall pay only the employer's portion of the payroll tax on the sole proprietor's or working partner's own employment. A corporate officer who is also an employee of the corporation and is engaged in a covered employment, as provided in 39-71-401, shall

pay only the employer's portion of the payroll tax on the corporate officer's own employment. All other employees of a corporation, sole proprietorship, or partnership shall pay the wage tax as required in this section."

7. Page 6, following line 16.

Insert: "(e) An employee does not have any right of action against an employer for any money deducted and withheld from the employee's wages and paid to the state in compliance or intended compliance with this section.

(f) The employer is liable to the state for any amount of wage taxes, plus interest and penalty, when the employer fails to withhold from an employee's wages or fails to remit to the state the wage tax required by this section."

8. Page 7, lines 3 through 5.

Strike: "withhold" on line 3 through "department" on line 5

Insert: "remit withholding for employees' wage taxes at the same time"

9. Page 7, line 19.

Strike: "willfully"

10. Page 8, following line 21.

Insert: "NEW SECTION. Section 5. Payment of unfunded liability for injuries resulting from accidents occurring before July 1, 1990. (1) Beginning July 1, 1993, the state fund shall pay for the cost of administering and paying claims for injuries resulting from accidents that occurred before July 1, 1990, not covered by any other funding source, by borrowing from the board of investments, from time to time, the amount that the state fund determines and the budget director certifies, as provided in 39-71-2354, will be needed to pay for administering and paying the claims for the ensuing year.

(2) (a) In January of each year, prior to the start of the following fiscal year, the state fund shall forward to the budget director information pertaining to the amount that the state fund will borrow for the ensuing fiscal year to pay for the cost of administering and paying claims for the injuries provided for in subsection (1), except that for fiscal year 1994, the information on the amount to be borrowed by the state fund must be forwarded to the budget director no later than 45 days prior to the start of the fiscal year. In addition, the state fund shall forward to the budget director the schedule of projected liability payments and cash needs on which the amount to be borrowed is based. The schedule must include but is not limited to total projected liability payments, loans and bond debt payments, revenue from the employer payroll tax and employee wage tax provided for in 39-71-2503, projected fiscal yearend cash, and the projected fiscal yearend cash for the year 2003.

(b) (i) There is imposed on each employer a workers' compensation payroll tax and on each employee a workers' compensation wage tax as provided in 39-71-2503. For fiscal year 1994, the employer payroll tax is an amount equal to 0.5% of the

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employer's payroll in the preceding calendar quarter for all employments covered by 39-71-401. For fiscal year 1994, the employee wage tax is an amount equal to 0.5% of the employee's wages in the preceding calendar quarter for all employments covered by 39-71-401.

(ii) The rate of the employer payroll tax determined by this section includes the 0.28% employer payroll tax provided for in 39-71-2503.

(iii) The employer payroll tax that is in excess of the 0.28% tax provided for in 39-71-2503 and the employee wage tax terminate at the end of fiscal year 2003.

(iv) The employer payroll tax and the employee wage tax described in this section must be collected and deposited as provided in 39-71-2503 and 39-71-2504.

(3) If in any January the projected amount to be borrowed by the state fund exceeds \$50 million for the following fiscal year, the tax rate on the employer and employee must be increased by 0.05% for the following fiscal year over the current tax rate. If in any January the projected fiscal yearend cash balance for the current fiscal year exceeds \$25 million, the tax rate on the employer and employee must be reduced by 0.05% from the current tax rate for the following fiscal year.

(4) The total tax on employers may not exceed 0.75%, and the total wage tax on employees may not exceed 0.75%.

(5) The budget director shall certify the cash flow projections of the state fund required by this section and shall notify the department of revenue no later than April 1 of the rate of tax to be collected pursuant to this section."

Renumber: subsequent sections

11. Page 9, following line 22.

Insert: "Section 15-30-207, MCA, is amended to read:

"15-30-207. Annual statement by employer. (1) Every employer shall, on or before February 28 in each year, file with the department a wage and tax statement for each employee in such form and summarizing such information as the department requires, including the total wages paid to the employee during the preceding calendar year or any part thereof and showing the total amount of the federal income tax deducted and withheld from such wages and the total amount of the tax deducted and withheld therefrom under the provisions of 15-30-201 through 15-30-209 and 39-71-2503.

(2) The annual statement filed by an employer with respect to the wage payments reported constitutes full compliance with the requirements of 15-30-301 relating to the duties of information agents, and no additional information return is required with respect to such wage payments.

(3) In addition to any other penalty provided by law, the failure of an employer to furnish a statement as required by subsection (1) subjects the employer to a penalty of \$5 for each failure, provided that the minimum penalty for failure to file the statements required on or before February 28 of each year shall be \$50. This penalty may be abated by the department upon a

showing of good cause by the employer. The penalty may be collected in the same manner as are other tax debts."

Section 8. Section 39-71-406, MCA, is amended to read:  
"39-71-406. Deduction from wages of any part of premium a misdemeanor. It is unlawful for the employer to deduct or obtain any part of any premium required to be paid by this chapter from the wages or earnings of his workers, and the making or attempt to make any such deduction is a misdemeanor. The employee wage tax under 39-71-2503 is not a premium for the purpose of this section."

Renumber: subsequent sections

12. Page 10, following line 3.

Insert: "NEW SECTION. Section 10. Appropriations. (1) There is appropriated \$65,000 from the workers' compensation payroll tax account to the state auditor for fiscal year 1993.

(2) There is appropriated \$47,190 from the workers' compensation payroll tax account to the department of revenue for fiscal year 1993.

NEW SECTION. Section 11. Codification instruction. [Section 5] is intended to be codified as an integral part of Title 39, chapter 71, and the provisions of Title 39, chapter 71, apply to [section 5]."

Renumber: subsequent sections

13. Page 10, line 5.

Following: "tax"

Insert: "and the increase in the employer payroll tax"

Strike: "section 4"

Insert: "sections 4 and 5"

14. Page 10, lines 5 and 6.

Strike: "commences" on line 5 through "1993" on line 6

Insert: "commence on July 1, 1993"

And, as amended, do pass and be referred to the House Committee on Labor and Employment Relations for its consideration as part of the Workers' Compensation package. Report adopted.

**HB 622**, introduced bill, be amended as follows:

1. Title, lines 12 through 14.

Following: "INFIRMITY;" on line 12

Strike: the remainder of line 12 through line 14 in their entirety

2. Title, lines 17 through 19.

Following: "BENEFITS;" on line 17

Strike: the remainder of line 17 through "HIRING;" on line 19

3. Title, line 20.

Following: "SELF-INSURE;"



Insert: "ALLOWING CERTAIN OPTIONAL DEDUCTIBLES TO POLICYHOLDERS; REQUIRING SUSPENSION, REVOCATION, OR DENIAL OF A PROFESSIONAL OR OCCUPATIONAL LICENSE FOR VIOLATION OF THE WORKERS' COMPENSATION LAW; REVISING THE DEFINITION OF UNPROFESSIONAL CONDUCT; PROHIBITING CERTAIN ACTIONS; PRECLUDING LIABILITY FOR REPORTING VIOLATIONS OF THE WORKERS' COMPENSATION LAW; ALLOWING AUGMENTATION OF TEMPORARY TOTAL DISABILITY BENEFITS WITH SICK LEAVE AND VACATION LEAVE; REQUIRING THE STATE FUND BOARD TO ADOPT AN ANNUAL BUSINESS PLAN;"

4. Title, line 20.

Following: "SECTIONS"

Insert: "37-1-131, 37-3-322, 37-6-310, 37-10-311, 37-12-321, 37-14-321,"

5. Title, line 21.

Strike: "39-71-407, 39-71-604,"

Insert: "39-71-316,"

Following: "39-71-607,"

Insert: "39-71-736,"

6. Title, line 22.

Following: "39-71-2101,"

Insert: "39-71-2315, AND"

Strike: "AND 39-72-706,"

7. Title, line 23.

Following: "AND"

Strike: "REPEALING" through "MCA"

Insert: "PROVIDING AN EFFECTIVE DATE"

8. Page 7, lines 1 through 4.

Following: "~~39-71-119~~" on line 1

Strike: the remainder of line 1 through "healing" on line 4

Insert: "in which a worker, prior to maximum healing:

(a) is temporarily unable to return to the position held at the time of injury because of a medically determined physical restriction;

(b) returns to work in a modified or alternative employment; and

(c) suffers a partial wage loss"

9. Page 8, line 20 through page 12, line 3.

Strike: Sections 3 and 4 in their entirety

Renumber: subsequent sections

10. Page 13, lines 24 and 25.

Following: "insurer" on line 24

Strike: the remainder of line 24 through "days" on line 25

11. Page 14, lines 2 and 3.

Following: "payments" on line 2

Strike: the remainder of line 2 through "days" on line 3

12. Page 17, lines 17 through 23.

Strike: subsection (8) in its entirety

13. Page 19, line 2.

Following: "paid"

Insert: "biweekly"

14. Page 19, line 4.

Following: "plan"

Insert: "and are not subject to the lump-sum payment provisions of 39-71-741"

15. Page 19, line 20.

Following: "the job"

Insert: "held at the time of injury"

16. Page 20, line 6.

Following: "of"

Strike: the remainder of line 6

Insert: "the services and benefits available"

17. Page 20, lines 7 and 8.

Following: "to" on line 7

Strike: the remainder of line 7 through "section"

Insert: "the vocational rehabilitation provisions of the Workers' Compensation Act"

18. Page 20, lines 9 through 15.

Strike: subsections (8) and (9) in their entirety

19. Page 21, line 2.

Strike: "an attending"

Insert: "a treating"

Following: "physician"

Strike: the remainder of line 2

20. Page 21, line 18 through page 23, line 15.

Strike: sections 10 through 12 in their entirety

Renumber: subsequent sections

21. Page 25, lines 14 and 15.

Following: "worker" on line 14

Strike: "is medically"

Insert: "has a physical restriction, as determined by objective medical findings, and is"

Strike: "the same," on line 14

Insert: "a"

Following: "modified" on line 15

Strike: ", "

22. Page 25, line 21.

Strike: "hourly"

Insert: "average weekly"

23. Page 25, line 24.

Following: "disabled"

Insert: ", not to exceed the state's average weekly wage at the time of injury"

24. Page 26, lines 1 through 8.

Following: "weeks" on line 1

Strike: the remainder of line 1 through line 8

Insert: "

(4) A worker requalifies for temporary total disability benefits if the modified position is no longer available to the worker and the worker continues to be temporarily totally disabled as defined in 39-71-116."

25. Page 26, lines 14 through 19.

Strike: section 15 in its entirety

Renumber: subsequent sections

26. Page 27, page 16 and 17.

Strike: section 17 in its entirety

Insert: "NEW SECTION. Section 11. Workers' compensation and employers' liability insurance -- optional deductibles. (1) An insurer issuing a workers' compensation or an employer's liability insurance policy may offer to the policyholder, as part of the policy or by endorsement, optional deductibles for benefits payable under the policy consistent with the standards contained in subsection (3).

(2) A rating organization may develop and file a deductible plan or plans on behalf of its members consistent with the standards contained in subsection (3).

(3) The commissioner of insurance shall approve a deductible plan that is in accordance with the following standards:

(a) Claimants' rights are properly protected and claimants' benefits are paid without regard to the deductible.

(b) Premium reductions reflect the type and level of the deductible, consistent with accepted actuarial standards.

(c) Premium reductions for deductibles are determined before application of any experience modification, premium surcharge, or premium discount.

(d) Recognition is given to policyholder characteristics, including but not limited to size, financial capabilities, nature of activities, and number of employees.

(e) The policyholder is liable to the insurer for the deductible amount in regard to benefits paid for compensable claims.

(f) The insurer pays all of the deductible amount applicable to a compensable claim to the person or provider entitled to benefits and then seeks reimbursement from the policyholder for the applicable deductible amount.

(g) Failure by the policyholder to reimburse deductible amounts to the insurer is treated under the policy as nonpayment of premium.

(h) Losses subject to the deductible must be reported and recorded as losses for purposes of ratemaking and application of the experience rating plan on the same basis as losses under policies providing first dollar coverage.

(4) The state compensation mutual insurance fund, plan No. 3, may adopt the plan filed by the rating organization or adopt an optional deductible plan that meets the requirements of this section.

(5) For purposes of 39-71-201, liability for assessments must be ascertained based on premiums collected, in the case of policies written under plan No. 2, or on the assessment levied, in the case of policies written under plan No. 3, for which the policyholder would have been obligated without the deductible. For all other taxes and assessments based on premium, the amount of premium or assessment must be determined after application of the deductible.

Section 12. Section 39-71-316, MCA, is amended to read:

"39-71-316. Filing true claim -- obtaining benefits through deception or other fraudulent means. (1) A person filing a claim under this chapter or chapter 72 of this title, by signing the claim, affirms the information filed is true and correct to the best of that person's knowledge.

(2) A person who obtains or assists in obtaining benefits to which the person is not entitled under this chapter or chapter 72 of this title may be guilty of theft under 45-6-301. A county attorney may initiate criminal proceedings against the person.

(3) A person licensed under the provisions of Title 37 is subject to suspension, revocation, or denial of a license if the person knowingly claims or assists in the claiming of benefits in violation of the provisions of chapter 72 or this chapter."

Section 13. Section 37-1-131, MCA, is amended to read:

"37-1-131. Duties of boards. Each board within the department shall:

(1) set and enforce standards and rules governing the licensing, certification, registration, and conduct of the members of the particular profession or occupation within its jurisdiction;

(2) sit in judgment in hearings for the suspension, revocation, or denial of a license of an actual or potential member of the particular profession or occupation within its jurisdiction. The hearings shall be conducted by legal counsel when required under 37-1-121(1).

(3) suspend, revoke, or deny a license of a person who the board determines, after a hearing as provided in subsection (2), is guilty of knowingly defrauding, abusing, or aiding in the defrauding or abusing of the workers' compensation system in violation of the provisions of Title 39, chapter 71 or 72;

(3)(4) pay to the department its pro rata share of the assessed costs of the department under 37-1-101(6);



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(4)(5) consult with the department before the board initiates a program expansion, under existing legislation, to determine if the board has adequate money and appropriation authority to fully pay all costs associated with the proposed program expansion. The board may not expand a program if the board does not have adequate money and appropriation authority available."

Section 14. Section 37-3-322, MCA, is amended to read:  
"37-3-322. Unprofessional conduct. As used in this chapter, "unprofessional conduct" means:

(1) resorting to fraud, misrepresentation, or deception in applying for or in securing a license or in taking the examination provided for in this chapter;

(2) performing abortion contrary to law;

(3) obtaining a fee or other compensation, either directly or indirectly, by the misrepresentation that a manifestly incurable disease, injury, or condition of a person can be cured;

(4) employing abusive billing practices;

(5) directly or indirectly giving or receiving a fee, commission, rebate, or other compensation for professional services not actually rendered. This prohibition does not preclude the legal functioning of lawful professional partnerships, corporations, or associations.

(6) willful disobedience of the rules of the board;

(7) conviction of an offense involving moral turpitude or conviction of a felony involving moral turpitude, and the judgment of the conviction, unless pending on appeal, is conclusive evidence of unprofessional conduct;

(8) commission of an act of sexual abuse, misconduct, or exploitation related to the licensee's practice of medicine;

(9) administering, dispensing, or prescribing a narcotic or hallucinatory drug, as defined by the federal food and drug administration or successors, otherwise than in the course of legitimate or reputable professional practice;

(10) conviction or violation of a federal or state law regulating the possession, distribution, or use of a narcotic or hallucinatory drug, as defined by the federal food and drug administration, and the judgment of conviction, unless pending on appeal, is conclusive evidence of unprofessional conduct;

(11) habitual intemperance or excessive use of narcotic drugs, alcohol, or any other drug or substance to the extent that the use impairs the user physically or mentally;

(12) conduct unbecoming a person licensed to practice medicine or detrimental to the best interests of the public as defined by rule of the board;

(13) conduct likely to deceive, defraud, or harm the public;

(14) making a false or misleading statement regarding the licensee's skill or the effectiveness or value of the medicine, treatment, or remedy prescribed by the licensee or at the licensee's direction in the treatment of a disease or other condition of the body or mind;

(15) resorting to fraud, misrepresentation, or deception in the examination or treatment of a person or in billing or reporting to a person, company, institution, or organization, including fraud, misrepresentation, or deception with regard to a claim for benefits under Title 39, chapter 71 or 72;

(16) use of a false, fraudulent, or deceptive statement in any document connected with the practice of medicine;

(17) practicing medicine under a false or assumed name;

(18) testifying in court on a contingency basis;

(19) conspiring to misrepresent or willfully misrepresenting medical conditions improperly to increase or decrease a settlement, award, verdict, or judgment;

(20) aiding or abetting in the practice of medicine by a person not licensed to practice medicine or a person whose license to practice medicine is suspended;

(21) allowing another person or organization to use the licensee's license to practice medicine;

(22) malpractice or negligent practice;

(23) except as provided in this subsection, practicing medicine as the partner, agent, or employee of or in joint venture with a person who does not hold a license to practice medicine within this state; however, this does not prohibit:

(a) the incorporation of an individual licensee or group of licensees as a professional service corporation under Title 35, chapter 4;

(b) a single consultation with or a single treatment by a person or persons licensed to practice medicine and surgery in another state or territory of the United States or foreign country; or

(c) practicing medicine as the partner, agent, or employee of or in joint venture with a hospital, medical assistance facility, or other licensed health care provider. However:

(i) the partnership, agency, employment, or joint venture must be evidenced by a written agreement containing language to the effect that the relationship created by the agreement may not affect the exercise of the physician's independent judgment in the practice of medicine;

(ii) the physician's independent judgment in the practice of medicine must in fact be unaffected by the relationship; and

(iii) the physician may not be required to refer any patient to a particular provider or supplier or take any other action the physician determines not to be in the patient's best interest.

(24) willfully or negligently violating the confidentiality between physician and patient, except as required by law;

(25) failing to report to the board any adverse judgment, settlement, or award arising from a medical liability claim related to acts or conduct similar to acts or conduct that would constitute grounds for action as defined in this section;

(26) failing to transfer pertinent and necessary medical records to another physician when requested to do so by the subject patient or by the patient's legally designated representative;

(27) failing to furnish to the board or its investigators or representatives information legally requested by the board;

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(28) failing to cooperate with a lawful investigation conducted by the board;

(29) violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of or conspiring to violate parts 1 through 3 of this chapter or the rules authorized by them;

(30) having been subject to disciplinary action of another state or jurisdiction against a license or other authorization to practice medicine, based upon acts or conduct by the licensee similar to acts or conduct that would constitute grounds for action as defined in this section. A certified copy of the record of the action taken by the other state or jurisdiction is evidence of unprofessional conduct.

(31) any other act, whether specifically enumerated or not, which, in fact, constitutes unprofessional conduct."

Section 15. Section 37-6-310, MCA, is amended to read:  
"37-6-310. Unprofessional conduct. As used in this chapter, "unprofessional conduct" means:

(1) resorting to fraud, misrepresentation, or deception in applying for or in securing a license or in taking the examination provided for in this chapter;

(2) obtaining a fee or other compensation, either directly or indirectly, by the misrepresentation that a manifestly incurable disease, injury, or condition of a person can be cured;

(3) willful disobedience of the rules of the board;

(4) final conviction of an offense involving moral turpitude;

(5) administering, dispensing, or prescribing a narcotic or hallucinatory drug, as defined by the federal food and drug administration or successors, otherwise than in the course of legitimate or reputable professional practice;

(6) final conviction of a violation of a federal or state law regulating the possession, distribution, or use of a narcotic or hallucinatory drug, as defined by the federal food and drug administration;

(7) habitual intemperance or excessive use of narcotic drugs, alcohol, or any other drug or substance to the extent that the use impairs the user physically or mentally;

(8) conduct unbecoming a person licensed to practice podiatry or detrimental to the best interest of the public;

(9) resorting to fraud, misrepresentation, or deception in the examination or treatment of a person or in billing or reporting to a person, company, institution, or organization, including fraud, misrepresentation, or deception with regard to a claim for benefits under Title 39, chapter 71 or 72;

(10) testifying in court on a contingency basis;

(11) conspiring to misrepresent or willfully misrepresenting medical conditions to increase or decrease a settlement, award, verdict, or judgment;

(12) aiding or abetting in the practice of medicine a person not licensed to practice medicine or a person whose license to practice medicine is suspended;

(13) gross malpractice or negligent practice;



(14) practicing podiatry as the partner, agent, or employee of or in joint venture with a person who does not hold a license to practice podiatry within this state; however, this does not prohibit the incorporation of an individual licensee or group of licensees as a professional service corporation under Title 35, chapter 4, nor does this apply to a single consultation with or a single treatment by a person or persons licensed to practice podiatry in another state or territory of the United States or foreign country;

(15) violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of or conspiring to violate parts 1 through 3 of this chapter or the rules authorized by parts 1 through 3; or

(16) any other act, whether specifically enumerated or not, which in fact constitutes unprofessional conduct."

Section 16. Section 37-10-311, MCA, is amended to read:

"37-10-311. Revocation -- unprofessional conduct. (1) The board may revoke a certificate of registration for:

(a) physical or mental incompetence;

(b) gross malpractice or repeated malpractice;

(c) a violation of any of the provisions of this chapter or rules or orders of the board; or

(d) unprofessional conduct.

(2) Unprofessional conduct includes:

(a) obtaining a fee by fraud or misrepresentation;

(b) employing, directly or indirectly, a suspended or unlicensed optometrist to perform work covered by this chapter;

(c) directly or indirectly accepting employment to practice optometry from a person not having a valid certificate of registration as an optometrist or accepting employment to practice optometry for or from a company or corporation;

(d) permitting another to use ~~his~~ the optometrist's certificate of registration;

(e) soliciting or sending a solicitor from house to house;

(f) treatment or advice in which untruthful or improbable statements are made;

(g) professing to cure nonocular disease;

(h) advertising in which ambiguous or misleading statements are made; or

(i) the use in advertising of the expression "eye specialist" or "specialist on eyes" in connection with the name of an optometrist. This chapter does not prohibit legitimate or truthful advertising by a registered optometrist; or

(j) resorting to fraud, misrepresentation, or deception in the examination or treatment of a person or in billing or reporting to a person, company, institution, or organization, including fraud, misrepresentation, or a claim for benefits under Title 39, chapter 71 or 72.

(3) Before a certificate is revoked, the holder shall be given a notice and an opportunity for a hearing.

(4) Any optometrist convicted a second time for violation of the provisions of this chapter or whose certificate of registration



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or examination has been revoked a second time shall not be permitted to practice optometry in this state."

Section 17. Section 37-12-321, MCA, is amended to read:  
"37-12-321. Unprofessional conduct. As used in this chapter, "unprofessional conduct" means:

(1) resorting to fraud, misrepresentation, or deception in applying for or securing a license or in taking the examination provided for in this chapter;

(2) obtaining any form of compensation, directly or indirectly, by the misrepresentation that a manifestly incurable disease, injury, or condition can be cured;

(3) practicing chiropractic under a false or assumed name or impersonating another practitioner of like or different name;

(4) knowingly disobeying a rule of the board;

(5) conviction of a criminal offense involving moral turpitude. A certified copy of the judgment of conviction is conclusive evidence of the conviction. This subsection is subject to chapter 1, part 2, of this title.

(6) habitual intemperance or excessive use of narcotic drugs, alcohol, or any other substance to the extent that such use impairs the user's physical or mental professional capability;

(7) administering, dispensing, or prescribing a narcotic or hallucinatory drug, as defined by the federal food and drug administration or successors;

(8) resorting to fraud, misrepresentation, or deception in the examination or treatment of a person or in billing or reporting to a person, company, institution, or organization, including fraud, misrepresentation, or deception with regard to a claim for benefits under Title 39, chapter 71 or 72;

(9) testifying in court on a contingency basis;

(10) conspiring to misrepresent or knowingly misrepresenting physical conditions in order to increase or decrease a settlement or award;

(11) aiding or abetting in the practice of chiropractic a person not licensed to practice chiropractic or a person whose license is suspended;

(12) practicing chiropractic as the partner, agent, or employee of or in joint venture with a person not licensed to practice chiropractic in this state. However, this does not prohibit incorporation as a professional service corporation under Title 35, chapter 4, or prevent a single consultation with or a single treatment by a person licensed to practice chiropractic in another state or territory of the United States or a foreign country.

(13) violating, attempting or conspiring to violate, or aiding or abetting in the violation of this chapter or the rules adopted under it; or

(14) conduct unbecoming a person licensed to practice chiropractic or detrimental to the best interests of the public."

Section 18. Section 37-14-321, MCA, is amended to read:  
"37-14-321. Revocation or suspension of license or permit. A license or permit may be suspended for a fixed period or may be

revoked, or such technologist or technician may be censured, reprimanded, or otherwise disciplined as determined by the board if, after a hearing before the board, it is determined that the radiologic technologist or limited permit technician:

(1) is guilty of fraud or deceit in activities as a radiologic technologist or limited permit technician or has been guilty of any fraud or deceit in procuring the license or permit;

(2) has been convicted in a court of competent jurisdiction of a crime involving moral turpitude;

(3) is an habitual drunkard or is addicted to the use of narcotics or other drugs having a similar effect or is not mentally competent;

(4) is guilty of unethical or unprofessional conduct, as defined by rules promulgated by the board, including fraud, misrepresentation, or deception with regard to a claim for benefits under Title 39, chapter 71 or 72, or has been guilty of incompetence or negligence in his activities as a radiologic technologist or limited permit technician;

(5) has continued to perform as a radiologic technologist or limited permit technician without obtaining a license or permit or renewal as required by this chapter."

NEW SECTION. Section 19. Prohibited actions -- penalty. (1) The following actions by a medical provider constitute violations and are subject to the penalty in subsection (3):

(a) failing to document, under oath, the provision of the services or treatment for which compensation is claimed under chapter 72 or this chapter; or

(b) referring a worker for treatment or diagnosis of an injury or illness that is compensable under chapter 72 or this chapter to a facility owned wholly or in part by the provider, unless the provider informs the worker of the ownership interest and provides the name and address of alternate facilities, if any exist.

(2) A person licensed to practice law in Montana or a medical care provider who advertises services or facilities with the intention that a worker use those services or facilities with regard to an injury or illness that is compensable under chapter 72 or this chapter and who fails to announce in the advertisement that filing a fraudulent claim is theft, as provided in 39-71-316, is subject to the penalty in subsection (3).

(3) A person who violates this section may be assessed a penalty of not less than \$200 or more than \$500 for each offense. The department shall assess and collect the penalty.

NEW SECTION. Section 20. No liability for reporting violation. A person, including but not limited to an insurer or an employer, may not be held liable for civil damages as a result of reporting in good faith information that the person believes proves a violation of the provisions of chapter 72 or this chapter.

Section 21. Section 39-71-736, MCA, is amended to read:  
"39-71-736. Compensation -- from what date paid. (1) (a) No compensation may be paid for the first 48 hours or 6 days' loss

of wages, whichever is less, that the claimant is totally disabled and unable to work due to an injury. A claimant is eligible for compensation starting with the 7th day.

(b) However, separate benefits of medical and hospital services must be furnished from the date of injury.

(2) For the purpose of this section, except as provided in subsection (3), an injured worker is not considered to be entitled to compensation benefits if the worker is receiving sick leave benefits, except that each day for which the worker elects to receive sick leave counts 1 day toward the 6-day waiting period.

(3) Augmentation of temporary total disability benefits with sick leave by an employer pursuant to a collective bargaining agreement may not disqualify a worker from receiving temporary total disability benefits.

(4) Receipt of vacation leave by an injured worker may not affect the worker's eligibility for temporary total disability benefits."

Section 22. Section 39-71-2315, MCA, is amended to read:

"39-71-2315. Management of state fund -- powers and duties of the board -- business plan required. (1) The management and control of the state fund is vested solely in the board.

(2) The board is vested with full power, authority, and jurisdiction over the state fund. The board may perform all acts necessary or convenient in the exercise of any power, authority, or jurisdiction over the state fund, either in the administration of the state fund or in connection with the insurance business to be carried on under the provisions of this part, as fully and completely as the governing body of a private mutual insurance carrier, in order to fulfill the objectives and intent of this part. Bonds may not be issued by the board, the state fund, or the executive director.

(3) The board shall adopt a business plan no later than June 30 for the next fiscal year. At a minimum, the plan must include:

(a) specific goals for the fiscal year for financial performance. The standard for measurement of financial performances must include an evaluation of premium to surplus.

(b) specific goals for the fiscal year for operating performance. Goals must include but not be limited to specific performance standards for staff in the area of senior management, underwriting, and claims administration. Goals must, in general, maximize efficiency, economy, and equity as allowed by law.

(4) The business plan must be available upon request to the general public for a fee not to exceed the actual cost of publication. However, performance goals relating to a specific employment position are confidential and not available to the public.

(5) No sooner than July 1 or later than October 31, the board shall convene a public meeting to review the performance of the state fund, using the business plan for comparison of all the established goals and targets. The board shall publish, by November 30 of each year, a report of the state fund's actual performance as compared to the business plan."

Renumber: subsequent section



27. Page 27, lines 18 through 23.

Following: "(1)" on line 18

Strike: the remainder of subsection (1) in its entirety through "14]" on line 23

Insert: "[Sections 8 and 9]"

28. Page 28, line 1.

Strike: "[sections 13 and 14]."

Insert: "[sections 8 and 9]."

(2) [Section 11] is intended to be codified as an integral part of Title 39, chapter 71, part 4, and the provisions of Title 39, chapter 71, part 4, apply to [section 11].

(3) [Sections 19 and 20] are intended to be codified as an integral part of Title 39, chapter 71, and the provisions of Title 39, chapter 71, apply to [sections 19 and 20]."

29. Page 28, line 2.

Following: line 1

Insert: "NEW SECTION. Section 24. Severability. If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications."

NEW SECTION. Section 25. Effective date. [This act] is effective July 1, 1993."

And, as amended, do pass and be referred to the House Committee on Labor and Employment Relations for its consideration as part of the Workers' Compensation package. Report adopted.

**HB 672**, introduced bill, be amended as follows:

1. Page 9, line 10.

Following: line 9

Insert: "NEW SECTION. Section 4. Coordination instruction. If House Bill No. 504 is passed and approved, then [this act] is void."

Renumber: subsequent section

And, as amended, do pass and be referred to the House Committee on Labor and Employment Relations for its consideration as part of the Workers' Compensation package. Report adopted.

### ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Representative Grinde moved the House adjourn until 1:00 p.m., Monday, March 15, 1993. Motion carried.

House adjourned at 3:58 p.m.

John Mercer, Speaker

Marilyn Miller, Chief Clerk





## FIFTY-EIGHTH LEGISLATIVE DAY

Helena, Montana  
March 15, 1993

House Chambers  
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Representative Wallin. Pledge of Allegiance to the Flag.

Roll call. All members present except McCulloch, Sayles, excused. Quorum present.

Mr. Speaker: We, your committee on Legislative Administration/Bills and Journal, having examined the daily journals for the fifty-fourth and fifty-fifth legislative days, find the same to be correct.

Harriet Hayne, Chairman

### REPORTS OF STANDING COMMITTEES

BILLS (Hayne, Chairman): 3/15/93  
Correctly printed for second reading: HB 455, HB 505, HB 592, HB 615, HB 645, HB 665, HB 672.

Correctly engrossed for third reading: HB 19, HB 474, HB 500, HB 588, HB 616, HB 632, HB 646, HB 658, SB 46, SB 51, SB 63, SB 120, SB 168, SB 192, SB 199, SB 206, SB 214, SB 225, SB 228, SB 269, SB 275, SB 282, SB 284, SB 319, SB 331, SB 350, SB 361, SB 383, SB 385, SB 393, SB 407, SB 419, SB 420, SJR 3, SJR 14.

Correctly enrolled: HB 203.

Examined by the sponsor and found to be correct:

HB 189 - Wallin  
HB 53 - Benedict  
HB 208 - Driscoll  
HB 211 - Brooke  
HB 259 - Schwinden  
HB 356 - Gilbert  
HB 390 - Quilici  
HB 403 - Bird  
HB 446 - Clark  
HB 464 - Fisher  
HB 493 - Dowell  
HB 513 - Dowell  
HB 631 - Wallin

EDUCATION AND CULTURAL RESOURCES (H. S. Hanson, Chairman): 3/15/93

**SB 330**, third reading copy, be concurred in. Report adopted.

**SJR 23**, third reading copy, be concurred in. Report adopted.

JUDICIARY (Fagg, Chairman): 3/12/93

**SB 15**, third reading copy, be amended as follows:

1. Title, line 6.

Following: "AGREEMENTS;"

Insert: "PROVIDING FOR AN ELECTION OF REMEDIES;"

2. Title, line 7.

Following: "AND"

Strike: "AN"

Following: "APPLICABILITY"

Strike: "DATE"

Insert: "DATES"

3. Page 2, line 10.

Following: "AGREEMENTS."

Insert: "The aggrieved party may have the grievance or disputed interpretation of the agreement resolved either by final and binding arbitration or by any other available legal method and forum, but not by both. The remedy elected by the aggrieved party is binding on the aggrieved party, that party's collective bargaining agent, and the employer and is the exclusive method of remedy for resolution of the grievance or disputed interpretation."

4. Page 2, line 14.

Following: "act]"

Insert: ", except that subsection (5) of 39-31-306 applies to agreements for school years that begin on or after July 1, 1996"

And, as amended, be concurred in. Report adopted.

#### MESSAGES FROM THE SENATE

House bills concurred in and returned to the House:

3/13/93

**HB 150**, introduced by Sayles

**HB 234**, introduced by Toole

**HB 251**, introduced by Pavlovich

**HB 266**, introduced by Orr

**HB 465**, introduced by Ryan

**HB 520**, introduced by Raney

**HB 521**, introduced by Davis

**HB 535**, introduced by Foster

House bills concurred in as amended and returned to the House for concurrence in Senate amendments:

3/13/93

**HB 201**, introduced by Hibbard

**HB 431**, introduced by Strizich

**HB 526**, introduced by Brandewie

House amendments to Senate bill concurred in:

3/13/93

**SB 111**, introduced by Harp

#### FIRST READING AND COMMITMENT OF BILLS AND RESOLUTIONS

The following House bills were introduced, read first time, and referred to committee:

**HB 681**, introduced by Kasten, referred to Committee on Appropriations  
**HB 682**, introduced by Bardanouve, R. Johnson, DeBruycker, Peck, Kasten (by request of the House Appropriations Committee), referred to Committee on Appropriations  
**HB 683**, introduced by Fisher (by request of the House Appropriations Committee), referred to Committee on Appropriations

### MOTIONS

Representative S. Rice moved the House reconsider its action on HB 174 taken on second reading the previous legislative day. Motion carried. (50-49)

### SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Driscoll in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 564** - Representative Kadas moved HB 564, second reading copy, be amended (amendment #1). Amendment #1 failed as follows: (46-51)

Representative Bergsagel moved HB 564 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Bohlinger, Brandewie, Brooke, Brown, Clark, Davis, DeBruycker, Dolezal, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Peck, Peterson, Rehbein, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stovall, Strizich, Swanson, Tash, Tunby, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Zook, Mr. Speaker.  
Total 81

Noes: Boharski, Cocchiarella, Daily, Dowell, Galvin, Gervais, Gilbert, Pavlovich, Raney, Ream, J. Rice, S. Rice, Stanford, Toole, Tuss, Wyatt.  
Total 16

Voted Absentee: Sayles, Aye.

Excused: McCulloch.  
Total 1

Absent or not voting: Cobb, Quilici.  
Total 2



**HB 579** - Representative Schye moved consideration of HB 579 be passed for the day. Motion carried.

Representative McCulloch present at this time.

**HB 608** - Representative Bergsagel moved HB 608 do pass.

Representative Brown made a substitute motion HB 608 do not pass.

Representative Gilbert moved consideration of HB 608 be passed for the day. Motion carried. (56-38)

**SB 190** - Representative Peterson moved SB 190 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Barnett, Benedict, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Elliott, Ellis, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCulloch, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peterson, Raney, Rehbein, J. Rice, S. Rice, Rose, Ryan, Sayles, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Winslow, Wiseman, Zook, Mr. Speaker.

Total 77

Noes: Bardanouve, Barnhart, Bergman, Brooke, DeBruycker, Driscoll, Endy, Ewer, Gilbert, Hansen, Harper, Kadas, McCarthy, Menahan, Mills, Peck, Quilici, Ream, Russell, Schwinden, Swanson, Whalen, Wyatt.

Total 23

Voted Absentee: Sayles, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 656** - Representative R. Johnson moved HB 656 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Clark, Cocchiarella, Daily, Davis, DeBruycker, Dowell, Driscoll, Ellis, Endy, Fagg, Feland, Fisher, Foster, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Raney, Rehbein, J. Rice, Rose, Russell, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Winslow, Wiseman, Zook, Mr. Speaker.

Total 81

Noes: Brown, Dolezal, Elliott, Ewer, Galvin, Gervais, Gilbert, Harrington, McCarthy, McCulloch, Menahan, Quilici, Ream, Ryan, Whalen, Wyatt.  
Total 16

Voted Absentee: Sayles, Aye.

Excused: None.  
Total 0

Absent or not voting: Bardanouve, Cobb, S. Rice.  
Total 3

**HB 659** - Representative Peterson moved HB 659 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Barnett, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brown, Clark, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grimes, Grinde, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Zook, Mr. Speaker.  
Total 88

Noes: Barnhart, Brooke, Cocchiarella, Hansen, McCaffree, Ream, Smith, Wyatt.  
Total 8

Voted Absentee: Sayles, Aye.

Excused: None.  
Total 0

Absent or not voting: Bardanouve, Cobb, Grady, J. Johnson.  
Total 4

**HB 46** - Representative J. Johnson moved consideration of HB 46 be passed for the day. Motion carried.

**SB 138** - Representative Kadas moved SB 138, third reading copy, be amended (amendment #1):

The House Education and Cultural Resources standing committee report dated March 9, 1993, is amended as follows:

1. Amendment No. 3, insertion, line 2.  
Following: "."

Insert: "(1)"

2. Amendment No. 3, insertion, line 8.

Following: "amounts"

Insert: ", plus interest as provided in subsection (2)"

3. Amendment No. 3, at end of insertion.

Following: "8,086"

Insert: "(2) A repayment amount under subsection (1) must include interest at the average annual short-term investment pool rate of the preceding fiscal year."

Amendment #1 passed as follows:

Ayes: Bardanouve, Barnhart, Bergman, Bird, Boharski, Bohlinger, Brooke, Cocchiarella, Daily, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Endy, Ewer, Fisher, Galvin, Gervais, Hansen, Harper, Harrington, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Larson, Mason, McCarthy, McCulloch, Menahan, T. Nelson, Pavlovich, Peck, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Schwinden, Simon, Spring, Squires, Stanford, Strizich, Swanson, Toole, Tuss, Wanzenried, Whalen, Wiseman, Wyatt.

Total 56

Noes: Anderson, Bachini, Barnett, Bergsagel, Brandewie, Brown, Clark, Davis, Feland, Foster, Gilbert, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Herron, Keller, Knox, McCaffree, Mills, Molnar, L. Nelson, Orr, Peterson, Rehbein, Schye, Simpkins, Smith, Stovall, Tash, Tunby, Vogel, Wagner, Wallin, Winslow, Zook, Mr. Speaker.

Total 38

Excused: Sayles.

Total 1

Absent or not voting: Benedict, Cobb, Ellis, Fagg, Grady.

Total 5

Representative McCarthy moved SB 138, as amended, be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brooke, Brown, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Gilbert, Grimes, Grinde, Hansen, H.S. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Schwinden, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 89

Noes: Bergsagel, Brandewie, Clark, Feland, M. Hanson, McCaffree, Schye.  
Total 7

Excused: Sayles.  
Total 1

Absent or not voting: Bardanouve, Cobb, Grady.  
Total 3

**SB 150** - Representative Russell moved SB 150 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 93

Noes: Bergsagel, Brandewie, DeBruycker, Feland, Gilbert.  
Total 5

Voted Absentee: Sayles, Aye.

Excused: None.  
Total 0

Absent or not voting: Bardanouve, Grady.  
Total 2

**SB 173** - Representative McCulloch moved SB 173 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Barnhart, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Grady, Grimes, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Quilici, Raney, Ream, J. Rice, S. Rice, Russell, Ryan, Schwinden, Schye, Simon, Simpkins, Smith, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 80



Noes: Barnett, Bergsagel, Clark, DeBruycker, Ellis, Feland, Gilbert, Grinde, Kasten, Keller, Rehbein, Spring, Vogel, Wagner.

Total 14

Excused: Sayles.

Total 1

Absent or not voting: Bardanouve, Benedict, Molnar, Peterson, Rose.

Total 5

**SB 244** - Representative Ewer moved SB 244 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, Menahan, Mills, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Zook, Mr. Speaker.

Total 95

Noes: McCulloch, Smith, Wyatt.

Total 3

Voted Absentee: Sayles, Aye.

Excused: None.

Total 0

Absent or not voting: Bardanouve, Molnar.

Total 2

**SB 322** - Representative Hayne moved SB 322 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Foster, Galvin, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCarthy, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, Rose, Russell, Ryan, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Winslow, Wiseman, Zook, Mr. Speaker.

Total 86

Noes: Bardanouve, DeBruycker, Fisher, Harper, McCaffree, McCulloch, Peck, Schwinden, Whalen, Wyatt.  
Total 10

Excused: Sayles.  
Total 1

Absent or not voting: Cobb, Gervais, S. Rice.  
Total 3

**SB 325** - Representative Foster moved SB 325 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Barnett, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 97

Noes: None.  
Total 0

Voted Absentee: Sayles, Aye.

Excused: None.  
Total 0

Absent or not voting: Bardanouve, Barnhart, Grady.  
Total 3

**SB 336** - Representative Grimes moved SB 336 be concurred in. Motion failed as follows:

Ayes: Barnhart, Bird, Bohlinger, Brandewie, Brooke, Brown, Cocchiarella, Daily, Dowell, Elliott, Ewer, Fagg, Gervais, Grimes, H.S. Hanson, Harper, Harrington, Hayne, Hibbard, J. Johnson, Kadas, McCarthy, McCulloch, Menahan, Pavlovich, Quilici, Ream, J. Rice, S. Rice, Ryan, Schye, Simon, Squires, Stanford, Strizich, Swanson, Tash, Toole, Tunby, Vogel, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 48

Noes: Anderson, Bachini, Barnett, Benedict, Bergman, Bergsagel, Boharski, Clark, Davis, DeBruycker, Dolezal, Driscoll, Ellis, Endy, Feland, Fisher, Foster, Galvin, Gilbert, Grinde, Hansen, M. Hanson, Herron, R. Johnson, Kasten, Keller, Knox, Larson, Mason, McCaffree, Mills, Molnar, L. Nelson,

T. Nelson, Orr, Peck, Peterson, Raney, Rehbein, Rose, Russell, Sayles, Schwinden, Simpkins, Smith, Spring, Stovall, Tuss, Wagner.  
Total 49

Voted Absentee: Sayles, No.

Excused: None.  
Total 0

Absent or not voting: Bardanouve, Cobb, Grady.  
Total 3

**SB 418** - Representative Elliott moved SB 418 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Barnett, Barnhart, Benedict, Bergman, Boharski, Bohlinger, Brooke, Brown, Clark, Cocchiarella, Daily, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Grady, Grimes, Grinde, Hansen, H.S. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, Kadas, Kasten, Keller, Knox, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Pavlovich, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Schwinden, Schye, Simon, Simpkins, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 81

Noes: Bergsagel, Bird, Brandewie, Cobb, Davis, Gilbert, M. Hanson, R. Johnson, Larson, Mason, Orr, Peck, Rehbein, Ryan, Sayles, Smith, Spring, Wagner.  
Total 18

Voted Absentee: Sayles, No.

Excused: None.  
Total 0

Absent or not voting: Bardanouve.  
Total 1

Representative Grinde moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman Driscoll moved the adoption of the committee report.

Representative Grimes made a substitute motion SB 336 be segregated from the Committee of the Whole report and the remainder of the report be adopted. Motion failed. (43-55)

Thereupon, the report was adopted. (81-17)

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 401** passed as follows:

Ayes: Anderson, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Bohlinger, Brandewie, Brooke, Brown, Clark, Cocchiarella, Daily, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Grady, Grimes, Hansen, H.S. Hanson, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Pavlovich, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schye, Simon, Simpkins, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wallin, Wanzenried, Whalen, Winslow, Wyatt, Zook, Mr. Speaker.

Total 81

Noes: Bachini, Boharski, Cobb, Davis, Feland, Gilbert, Grinde, M. Hanson, Harper, Keller, Orr, Peck, Rehbein, Schwinden, Smith, Spring, Wagner, Wiseman.

Total 18

Voted Absentee: Sayles, Aye.

Excused: None.

Total 0

Absent or not voting: Bardanouve.

Total 1

**HB 482** passed as follows:

Ayes: Bachini, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Boharski, Bohlinger, Brandewie, Clark, Cobb, Daily, Davis, DeBruycker, Dowell, Elliott, Ellis, Ewer, Fagg, Fisher, Foster, Galvin, Grady, Grimes, H.S. Hanson, Harper, Harrington, Hayne, Hibbard, R. Johnson, Kadas, Kasten, Knox, Larson, Mason, McCaffree, McCulloch, Mills, L. Nelson, Orr, Peck, Raney, Ream, S. Rice, Russell, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Stanford, Stovall, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 66

Noes: Anderson, Bird, Brown, Cocchiarella, Dolezal, Driscoll, Endy, Feland, Gervais, Gilbert, Grinde, Hansen, M. Hanson, Herron, J. Johnson, Keller, McCarthy, Menahan, Molnar, T. Nelson, Pavlovich, Peterson, Quilici, Rehbein, J. Rice, Rose, Ryan, Spring, Squires, Strizich, Whalen, Winslow.

Total 32

Voted Absentee: Sayles, Aye.



Excused: None.

Total 0

Absent or not voting: Bardanouve, Brooke.

Total 2

**SB 362** concurred in as follows:

Ayes: Anderson, Bachini, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brown, Clark, Cobb, Daily, Davis, DeBruycker, Dowell, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Grady, Grimes, Grinde, Hansen, H.S. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, Kadas, Kasten, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Quilici, Raney, Ream, Rehbein, J. Rice, Russell, Ryan, Schwinden, Schye, Simon, Simpkins, Squires, Stanford, Stovall, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 81

Noes: Bergsagel, Brooke, Cocchiarella, Dolezal, Driscoll, Feland, Gilbert, M. Hanson, R. Johnson, Keller, Peck, Peterson, S. Rice, Rose, Sayles, Smith, Spring.

Total 17

Voted Absentee: Sayles, No.

Excused: None.

Total 0

Absent or not voting: Bardanouve, Strizich.

Total 2

**SJR 22** concurred in as follows:

Ayes: Anderson, Bachini, Barnhart, Benedict, Bergman, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Daily, Davis, DeBruycker, Dolezal, Ellis, Endy, Ewer, Fagg, Foster, Galvin, Gervais, Grady, Grimes, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Knox, Mason, McCaffree, McCarthy, McCulloch, Menahan, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Wallin, Whalen, Winslow, Wiseman, Wyatt, Mr. Speaker.

Total 76

Noes: Barnett, Bergsagel, Bird, Boharski, Cocchiarella, Dowell, Driscoll, Elliott, Feland, Fisher, Gilbert, Grinde, Keller, Larson, Peck, Peterson, Rehbein, Spring, Vogel, Wagner, Wanzenried, Zook.

Total 22

Voted Absentee: Sayles, Aye.

Excused: None.  
Total 0

Absent or not voting: Bardanouve, Mills.  
Total 2

**SB 108** concurred in as follows:

Ayes: Anderson, Bachini, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 95

Noes: Clark, Ryan, Strizich, Whalen.  
Total 4

Voted Absentee: Sayles, Aye.

Excused: None.  
Total 0

Absent or not voting: Bardanouve.  
Total 1

**SB 193** concurred in as follows:

Ayes: Anderson, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, Orr, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 88

Noes: Bachini, Bergsagel, Cocchiarella, Daily, Feland, Hayne, McCaffree, T. Nelson, Pavlovich, Peck.  
Total 10

Voted Absentee: Sayles, Aye.

Excused: None.

Total 0

Absent or not voting: Bardanouve, Squires.

Total 2

**SB 194** concurred in as follows:

Ayes: Anderson, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, T. Nelson, Orr, Pavlovich, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 90

Noes: Bachini, Bergsagel, Driscoll, Feland, Hayne, L. Nelson, Peck, Spring.

Total 8

Voted Absentee: Sayles, Aye.

Excused: None.

Total 0

Absent or not voting: Bardanouve, Herron.

Total 2

**SB 272** concurred in as follows:

Ayes: Anderson, Bachini, Barnett, Barnhart, Benedict, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Grady, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 89

Noes: Bergsagel, Cocchiarella, DeBruycker, Feland, Gilbert, Grimes, Grinde, Rehbein, Spring.

Total 9

Voted Absentee: Sayles, Aye.

Excused: None.

Total 0

Absent or not voting: Bardanouve, Bergman.

Total 2

**SB 353** concurred in as follows:

Ayes: Anderson, Bachini, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 96

Noes: Bergsagel, Cocchiarella, Strizich.

Total 3

Voted Absentee: Sayles, Aye.

Excused: None.

Total 0

Absent or not voting: Bardanouve.

Total 1

**SB 386** concurred in as follows:

Ayes: Anderson, Bachini, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Grady, Grimes, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Mr. Speaker.

Total 93

Noes: Bergsagel, Feland, Gilbert, Grinde, Spring.

Total 5

Voted Absentee: Sayles, Aye.



Excused: None.

Total 0

Absent or not voting: Bardanouve, Zook.

Total 2

**SB 411** concurred in as follows:

Ayes: Anderson, Bachini, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Hansen, H.S. Hanson, M. Hanson, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCarthy, McCulloch, Menahan, Mills, Molnar, T. Nelson, Orr, Pavlovich, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Mr. Speaker.

Total 87

Noes: Bergsagel, DeBruycker, Fisher, Grinde, Harper, McCaffree, L. Nelson, Peck, Rose, Spring, Vogel, Zook.

Total 12

Voted Absentee: Sayles, Aye.

Excused: None.

Total 0

Absent or not voting: Bardanouve.

Total 1

**SJR 17** concurred in as follows:

Ayes: Anderson, Bachini, Barnett, Barnhart, Benedict, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Grady, Grimes, Hansen, H.S. Hanson, Harper, Harrington, Hibbard, J. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 84

Noes: Bergman, Bergsagel, Feland, Gilbert, Grinde, M. Hanson, Hayne, R. Johnson, T. Nelson, Orr, Rehbein, Smith, Spring, Wagner.

Total 14

Voted Absentee: Sayles, Aye.

Excused: None.  
Total 0

Absent or not voting: Bardanouve, Herron.  
Total 2

**SJR 19** concurred in as follows:

Ayes: Anderson, Bachini, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, J. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Peck, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 91

Noes: Bergsagel, Cobb, Feland, R. Johnson, Rehbein.  
Total 5

Voted Absentee: Sayles, Aye.

Excused: None.  
Total 0

Absent or not voting: Bardanouve, Herron, Pavlovich, Squires.  
Total 4

**SJR 27** concurred in as follows:

Ayes: Anderson, Bachini, Barnhart, Benedict, Bohlinger, Brandewie, Brooke, Brown, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Grimes, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, L. Nelson, Pavlovich, Quilici, Raney, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simpkins, Smith, Squires, Stanford, Stovall, Strizich, Swanson, Toole, Tunby, Tuss, Wallin, Wanzenried, Whalen, Wiseman, Wyatt, Mr. Speaker.  
Total 70

Noes: Barnett, Bergman, Bergsagel, Bird, Boharski, Clark, Cobb, Elliott, Ellis, Feland, Gilbert, Grady, Grinde, Kasten, Keller, Molnar, T. Nelson, Orr, Peterson, Rehbein, Spring, Tash, Vogel, Wagner, Winslow, Zook.  
Total 26

Voted Absentee: Sayles, Aye.

Excused: None.

Total 0

Absent or not voting: Bardanouve, Peck, Ream, Simon.

Total 4

### MOTIONS

Representative Gilbert moved HB 608 be taken from second reading and rereferred to the Committee on Taxation. Motion carried.

Representative Vogel moved he be allowed to change his vote on SB 411, third reading, from no to aye. Motion carried.

### REPORTS OF STANDING COMMITTEES

BILLS (Hayne, Chairman):

3/15/93

Signed by the Speaker at 3:00 p.m., 3/14/93: HB 203, SB 25, SB 132, SB 140, SB 142, SB 159, SB 178, SB 209, SB 241, SB 250, SB 273, SB 279, SB 328, SB 355.

Delivered to the Governor for his approval at 1:00 p.m., 3/15/93: HB 18, HB 22, HB 24, HB 35, HB 43, HB 44, HB 58, HB 93, HB 104, HB 111, HB 122, HB 125, HB 127, HB 197, HB 223, HB 289, HB 291, HB 297, HB 312, HB 377.

BUSINESS AND ECONOMIC DEVELOPMENT (Benedict, Chairman):

3/15/93

**SB 249**, third reading copy, be concurred in. Report adopted.

**SB 352**, third reading copy, be amended as follows:

1. Page 2, line 22.

Page 2, line 24.

Page 3, line 21.

Page 4, line 11.

Following: "disease,"

Insert: "counseling service,"

2. Page 5, line 3.

Following: "dentistry,"

Insert: "counseling,"

3. Page 5, line 10.

Following: "dentistry,"

Insert: "psychologist, licensed social worker, licensed professional counselor,"

And, as amended, be concurred in. Report adopted.

**SB 398**, third reading copy, be concurred in. Report adopted.

NATURAL RESOURCES (Knox, Chairman):

3/15/93

**SB 104**, third reading copy, be concurred in. Report adopted.

**SB 231**, third reading copy, be concurred in. Report adopted.

**SJR 24**, third reading copy, be amended as follows:

1. Title, line 6.

Strike: "DEPARTMENT OF STATE LANDS"

Insert: "FORESTRY OFFICE OF THE MONTANA COOPERATIVE  
EXTENSION SERVICE OF MONTANA STATE UNIVERSITY"

2. Page 1, line 25.

Strike: "Department of State Lands"

Insert: "Forestry Office of the Montana Cooperative Extension Service of  
Montana State University"

And, as amended, be concurred in. Report adopted.

### **ANNOUNCEMENTS**

Committee meetings were announced by committee chairmen.

Representative Grinde moved the House adjourn until 1:00 p.m., Tuesday,  
March 16, 1993. Motion carried.

House adjourned at 2:51 p.m.

John Mercer, Speaker

Marilyn Miller, Chief Clerk





## FIFTY-NINTH LEGISLATIVE DAY

Helena, Montana  
March 16, 1993

House Chambers  
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Representative McCarthy. Pledge of Allegiance to the Flag.

Roll call. All members present except Wanzenried, excused. Quorum present.

Mr. Speaker: We, your committee on Legislative Administration/Bills and Journal, having examined the daily journal for the fifty-sixth legislative day, find the same to be correct.

Harriet Hayne, Chairman

### REPORTS OF STANDING COMMITTEES

BILLS (Hayne, Chairman): 3/16/93

Correctly enrolled: HB 53, HB 189, HB 208, HB 211, HB 259, HB 356, HB 390, HB 403, HB 446, HB 464, HB 493, HB 513, HB 631.

Correctly engrossed for third reading: HB 564, HB 656, HB 659, SB 138, SB 150, SB 173, SB 190, SB 244, SB 322, SB 325, SB 418.

Examined by the sponsor and found to be correct:

HB 150 - Sayles  
HB 234 - Toole  
HB 251 - Pavlovich  
HB 266 - Orr  
HB 404 - DeBruycker  
HB 440 - Wallin  
HB 465 - Ryan  
HB 520 - Raney  
HB 521 - Davis  
HB 535 - Foster

APPROPRIATIONS (Zook, Chairman):

3/16/93

**HB 2**, introduced bill, be amended as follows:

1. Page 1.

Following: the enacting clause

Strike: the bill in its entirety

Insert: "NEW SECTION. Section 1. Short title. [This act] may be cited as "The General Appropriations Act of 1993".

NEW SECTION. Section 2. First level expenditures. The agency and program appropriation tables in the legislative fiscal analyst narrative accompanying this bill, showing first level expenditures and funding for the 1995 biennium, are adopted as legislative intent.

NEW SECTION. Section 3. Severability. If any section, subsection, sentence, clause, or phrase of [this act] is for any reason held unconstitutional, the decision does not affect the validity of the remaining portions of [this act].

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NEW SECTION. Section 4. Legislative audit costs. Amounts appropriated for legislative audits may be transferred between fiscal years. Agencies shall reserve enough cash in each fund to pay for audit costs and shall, to the maximum extent allowable under federal regulations, charge audit costs to federal funds.

NEW SECTION. Section 5. Technical allocation costs. For agencies with internal cost allocation plans that are funded with proprietary revenue, the budget director shall adjust agency appropriations by amounts that are necessary to increase the budgets for indirect costs that are attributable to pay increases in an agency's indirect cost pool appropriated in the state pay plan bill. Funding for this appropriation consists of general fund money and other funds in an amount proportionate to the funding allocated for budgeting indirect cost assessments in [this act].

NEW SECTION. Section 6. Appropriation control. An appropriation item designated as "Biennial" may be spent in either year of the biennium. The office of budget and program planning shall establish a separate appropriation on the statewide budgeting and accounting system for any item designated as "Restricted". Unless otherwise stated, appropriation authority may not be transferred out of an appropriation item designated as "Restricted".

NEW SECTION. Section 7. Energy conservation bond repayments. Agencies participating in the state building energy conservation program are required to transfer semiannually, upon request by the department of natural resources and conservation, to the energy conservation program account the money appropriated for that purpose in [this act].

NEW SECTION. Section 8. Program definition. As used in [this act], a program is consistent with the management and accountability structure established on the statewide budgeting and accounting system and is identified as a major subdivision of an agency ordinarily numbered with an arabic number.

NEW SECTION. Section 9. Personal services reduction efficiencies. The amounts shown for personal services reduction efficiencies reduce each agency's total appropriation by fund type. The agency, with the approval of the approving authority, as defined in 17-7-102, shall determine the proportional share of the amount to be applied to each program and reduce that program's appropriations accordingly. In allocating the personal services reduction efficiencies, agencies may adjust amounts among fund types, excluding general fund, which may not be adjusted.

NEW SECTION. Section 10. Personal services contingencies. The amounts shown for personal services contingencies that appear in each of the legislative and judicial agencies and in the office of the commissioner of higher education are biennial appropriations that may be expended by the agency,

subject to the approval of the approving authority, as defined in 17-7-102, for personal services if the agency did not experience normal turnover or early retirements in an amount necessary to provide full funding for personal services. Prior to requesting use of these funds, agencies are required to document to the approving authority their efforts to work toward cost savings by implementing efficiencies, economies of scale, streamlined supervision, and better coordination of services provided by that agency. The approving agency shall provide periodic reports to the legislative finance committee, documenting approval for expenditure of any personal services contingency funds.

NEW SECTION. Section 11. Totals not appropriations. The totals shown in [this act] are for informational purposes only and are not appropriations.

NEW SECTION. Section 12. Effective date. [This act] is effective July 1, 1993.

NEW SECTION. Section 13. Appropriations. The following money is appropriated for the respective fiscal years:



Fiscal 1994				Fiscal 1995			
General Fund	State Special Revenue	Proprietary	Other	General Fund	State Special Revenue	Proprietary	Other
Total				Total			
A. GENERAL GOVERNMENT AND HIGHWAYS							
LEGISLATIVE AUDITOR (1101)							
1. 1,382,637				2,798,970	1,398,297	1,398,833	
2. 52,958				115,067	53,221	62,127	
3. 5,296				17,718	5,322	12,425	
Total				2,701,621	1,350,398	1,349,131	
LEGISLATIVE FISCAL ANALYST (1102)							
1. 821,376				821,376	851,562		
a. 4,000				4,000			
2. 35,979				35,979	36,245		
3. 3,598				3,598	3,625		
Total				792,995	818,942		
LEGISLATIVE COUNCIL (1104)							
1. 258,265				258,265			
a. 1,633,279				2,550,383	1,915,606	442,751	
2. 208,110				208,130	230,870		
a. 55,655				81,820	70,728	14,590	
3. 5,566				10,799	7,073	2,918	
Total				2,945,757	2,082,821	431,079	
Individual activities in the interim studies program are budgeted as follows:							
2,049,585				\$ 44,762			
				5,000			
				21,479			
				7,232			
				7,193			
				103,694			
				35,000			
				30,584			
				3,321			
LEGISLATIVE COUNCIL (1104)							
1. 258,265				258,265			
a. 1,633,279				2,550,383	1,915,606	442,751	
2. 208,110				208,130	230,870		
a. 55,655				81,820	70,728	14,590	
3. 5,566				10,799	7,073	2,918	
Total				2,945,757	2,082,821	431,079	
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2,049,585				\$ 44,762			
				5,000			
				21,479			
				7,232			
				7,193			
				103,694			
				35,000			
				30,584			
				3,321			



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	Fiscal 1994			Fiscal 1995		
	General Fund	State Special Revenue	Proprietary	General Fund	State Special Revenue	Proprietary
			Other			Other
2,869,541						
8. Personal Services Reduction Efficiencies	2,869,541			2,869,542		2,869,542
59,063						
9. Personal Services Contingencies (Restricted/Biennial)	79,351			59,073	20,298	79,371
5,906				5,907	4,060	9,967
4,058						
Total	2,869,541			2,869,542		
8,264,161						
GOVERNOR'S OFFICE (3101)	8,264,161			8,286,418	504,585	8,791,003
1. Executive Office Program (01)						
918,867						
125,455						
a. Legislative Audit (Restricted/Biennial)	1,044,322			923,278	125,627	1,049,905
22,764						
b. Montana Community Service Act (Biennial)	22,764					
500,000						
2. Mansion Maintenance Program (02)	49,561			49,999		49,999
49,561						
3. Air Transportation Program (03)	145,328			152,770	10,000	162,770
135,328						
a. Expand Aircraft Usage	32,000			32,000		32,000
32,000						
4. Office of Budget and Program Planning (04)	816,616			811,590		811,590
816,616						
a. Legislative Audit (Restricted/Biennial)	14,309					
14,309						
5. Northwest Regional Power Act (09)	419,969					
419,969						
6. Lieutenant Governor (12)	197,499			184,624	15,000	422,838
182,499						
a. Office of Public Policy Dispute Resolution	65,000					
65,000						
7. Citizens' Advocate Office (16)						
60,889						
15,000						
8. Personal Services Reduction Efficiencies	75,889			59,943	15,000	65,000
88,999						
8,158						
17,694						
Total	114,851			89,086	3,000	109,801
3,268,406						
2,111,834						
739,297						
417,275						
2,092,118						
244,627						
420,123						
2,756,869						

The governor is encouraged to work with executive branch agencies and other elected officials toward cost savings during the 1995 biennium by implementing improved efficiencies, economies of scale, streamlined supervision, and better coordination of services among agencies. In particular, the governor is encouraged to identify duplicative services and fit within executive branch agencies to promote consolidation and cost savings. This should include but not be limited to attorneys, environmental specialists, statisticians, grant writers, economists, and biologists. The governor is further encouraged to foster development of a mission-driven budget system, including the development of flexible, unified budgets and the development of an incentive system to encourage agencies to generate cost savings and reduced expenditures. This initiative should include working toward the development of results oriented systems for budgeting, including budgeting by performance and outcomes measures and seeking flexibility and improvement in the quality of decisionmaking information available to the Legislature in the 1995 session. The departments of administration, revenue, military affairs, and transportation should be used for pilot projects in development of an incentive budget system.

If Senate Bill No. 270 is not passed and approved, the state special revenue appropriation in item 1b must be eliminated and a federal fund appropriation must be established in the same amount that the state special revenue appropriation is decreased.

**FIFTY-NINTH LEGISLATIVE DAY**  
**March 16, 1993**

**1221**

Fiscal 1994					Fiscal 1995						
General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
OFFICE OF THE SECRETARY OF STATE (3201)											
1.	908,920	Business and Government Services (01)			908,920	931,421					931,421
	a.	Legislative Audit (Restricted/Biennial)			13,658						
	b.	Fireproof Storage			50,000						
2.	50,000	Administrative Code Program (03)			210,760	200,178					200,178
	a.	Legislative Audit (Restricted/Biennial)			2,927						
3.		Records Management (04)			362,180				366,053		366,053
	a.	Legislative Audit (Restricted/Biennial)			2,927						
4.	26,631	Personal Services Reduction Efficiencies			42,788	26,698	4,924		11,268		42,890
		4,918									
Total	945,947	208,769	353,868		1,508,584	904,723	195,254		354,785		1,454,762
COMMISSIONER OF POLITICAL PRACTICES (3202)											
1.	124,062	Administration (01)			124,062	126,931					126,931
	a.	Legislative Audit (Restricted/Biennial)			3,252						
2.	3,252	Personal Services Reduction Efficiencies			4,879	4,895					4,895
	4,879										
Total	122,435				122,435	122,036					122,036
OFFICE OF THE STATE AUDITOR (3401)											
1.	295,846	Central Management (01)			306,796	296,122	3,656		7,311		307,089
	a.	Legislative Audit (Restricted/Biennial)			2,497						
	b.	Glacier General Liquidation			10,000		10,000				10,000
2.	204,615	State Payroll (02)			414,854	178,035	222,043				400,078
	a.	Legislative Audit (Restricted/Biennial)			44,955						
3.	1,068,400	Insurance Program (03)			1,110,250	1,065,682	41,850				1,107,532
	a.	Legislative Audit (Restricted/Biennial)			10,614						
	b.	Insurance Examination Costs			91,800		38,000				38,000
4.	326,899	Securities (04)			326,899	327,615					327,615



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	Fiscal 1994			Fiscal 1995		
	General Fund	State Special Revenue	Proprietary	General Fund	State Special Revenue	Proprietary
						Other
						Total
5.						
a.						
Legislative Audit (Restricted/Biennial)						
Fiscal Control and Management Program (10)						
Legislative Audit (Restricted/Biennial)						
Bad Debts Expansion						
Personal Services Reduction Efficiencies						
6.						
80,094						
2,034,838						
922,961						
194,438						
3,152,237						
1,986,457						
826,674						
193,302						
3,006,433						
The state auditor shall deposit into a state special revenue account funds received from examination of insurance companies, liquidation of the glacier general assurance company, and licensing of out-of-state insurance agents.						
The department shall develop and submit cost recovery plans for the state payroll program and the warrant writing system to the office of budget and program planning and the legislative fiscal analyst by June 1, 1994. The total program cost estimate used to allocate the fees must be reduced by the estimated amount of the state special revenue fund balance for each program that will carry over from the 1995 biennium.						
CRIME CONTROL DIVISION (4107)						
1.						
Justice System Support Service (01)						
Legislative Contract Authority (Restricted/Biennial)						
D.A.R.E. Program Pass-Through Grants (Biennial)						
Juvenile Justice Pass-Through Grants (Biennial)						
Victims' Assistance Pass-Through Grants (Biennial)						
Drug Education Pass-Through Grants (Biennial)						
Drug Enforcement Pass-Through Grants (Biennial)						
Crime Victims' Compensation Pass-Through Benefits (Biennial)						
Indian Victim Assistance Pass-Through Grants (Biennial)						
Improved Victim Services						
Personal Services Reduction Efficiencies						
2.						
2,556						
29,052						
3,173						
23,323						
2,020						
1,960						
23,378						
29,145						
4,275,649						
574,171						
4,275,705						
5,310,844						
All remaining federal pass-through grant appropriation authority for the 1993 biennium is authorized to continue into fiscal 1994 and fiscal 1995.						
The board of crime control shall charge tuition and fees sufficient to reimburse the general fund for costs associated with the juvenile justice training program and for technical assistance provided to local law enforcement agencies. The tuition and fees collected must be deposited in the general fund.						
It is the intent of the legislature that operating expenses charged to the statutory appropriation in 23-7-402(5)(c) for youth detention services grant administration not exceed \$48,937 in fiscal 1994 and \$49,170 in fiscal 1995.						
Total						

## 1223

	Fiscal 1994				Fiscal 1995			
	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	General Fund	State Special Revenue	Federal Special Revenue	Proprietary
	Total	Other	Total		Total	Other	Total	
The appropriation for legislative contract authority in item 1a is subject to the following provisions:								
(1)	Legislative contract authority applies only to federal pass-through funds.							
(2)	Legislative contract authority expenditures must be reported on state accounting records. The records must separately account for contract appropriations and expenditures.							
(3)	A report must be submitted by the division to the legislative fiscal analyst following the end of each fiscal year of the biennium. The report must include a list of the additional federal funds appropriated and expended by grant program and the amounts.							
<b>HIGHWAY TRAFFIC SAFETY (4108)</b>								
1.	183,080	Highway Traffic Safety Division (36)	1,876,516	183,080	1,876,516	386,104	1,306,686	1,875,870
2.	1,471	Personal Services Reduction Efficiencies	15,076	1,476	15,076	3,113	10,534	15,123
<b>Total</b>	<b>181,609</b>		<b>1,861,440</b>	<b>181,604</b>	<b>1,861,440</b>	<b>382,991</b>	<b>1,296,152</b>	<b>1,860,747</b>
<b>DEPARTMENT OF JUSTICE (4110)</b>								
1.	1,281,861	Legal Services Division (01)	1,281,861	1,295,121	1,281,861	9,500	1,295,121	1,295,121
a.	9,500	Case-Related Travel (Restricted)	9,500	9,500	9,500			9,500
b.	100,000	Other Litigation Costs (Restricted/Biennial)	100,000		100,000			
c.	400,000	Major Litigation Costs (Restricted/Biennial)	400,000		400,000			
d.	51,000	Additional Attorney	51,000	51,000	51,000			51,000
2.		Agency Legal Services (06)					614,435	614,435
3.		Gambling Control Division (07)	607,138		607,138	1,389,091		1,389,091
a.		Retain Gambling Expansion Staff	207,331		207,331	207,478		207,478
4.	4,586,320	Motor Vehicle Division (12)	6,135,758	3,477,573	3,477,573	2,656,998	12,500	6,147,071
a.	43,500	Reinstate Administrative Officer	43,500	43,500	43,500			43,500
b.	344,741	ADP Transfer to State Mainframe	344,741	657,819	657,819			657,819
5.		Highway Patrol Division (13)	12,785,593		12,785,593	12,583,554	156,925	12,740,479
		Law Enforcement Services Division (18)	2,127,314	1,338,721	1,338,721	391,295	379,182	2,109,198
a.		Automated Fingerprint Identification (AFIS)	360,000	360,000	360,000		360,000	360,000
b.		WC Investigator/Support Staff	65,132		65,132	90,204		90,204
7.		County Attorney Payroll (19)						
8.	1,314,476	Law Enforcement Academy Division (22)	1,314,476	1,350,492	1,350,492			1,350,492
	630,467		630,467	640,878	640,878			640,878



FIFTY-NINTH LEGISLATIVE DAY  
March 16, 1993

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General Fund	Fiscal 1994				General Fund	Fiscal 1995			
	State Special Revenue	Federal Special Revenue	Proprietary	Other		State Special Revenue	Federal Special Revenue	Proprietary	Other
					Total				Total
	13,228	52,914			66,142	13,248	52,990		66,238
f. Project Financial Management System (Restricted)									
g. FHWA Grant Administration	13,228	52,914			66,142	21,248	84,990		106,238
h. Multi-Modal Planning	24,274				24,274	24,309			24,309
i. Highway Performance Monitoring System (Restricted)		374,010			374,010		124,189		124,189
j. Transportation Improvement Plan (Restricted)		191,638			191,638		91,770		91,770
2. Construction Program (02)		142,374			142,374		142,531		142,531
a. Analytic Stereo Plotter	56,059,870	158,008,538			214,068,408	56,255,070	159,625,210		215,880,280
3. Maintenance Program (03)									
a. Roadway Striping	50,041,898	88,914			50,130,812	50,296,784	88,914		50,385,698
b. Ice Control Material	1,000,000				1,000,000	1,000,000			1,000,000
c. Hazardous Waste (Restricted)	1,285,091				1,285,091	1,373,391			1,373,391
d. Pavement Preservation	1,000,000				1,000,000	1,000,000			1,000,000
e. Rest Areas Maintenance	6,500,000				6,500,000	6,500,000			6,500,000
4. State Motor Pool (07)	165,000				165,000	165,000			165,000
5. Equipment Program (08)	892,944				892,944			766,708	766,708
a. Equipment .. Sweepers	15,066,844				15,066,844			15,575,944	15,575,944
6. Interfund Transfers Program (11)	1,000,000				1,000,000				
7. Stores Inventory (12)	14,625,413				14,625,413	15,691,130			15,691,130
a. Roadway Striping .. Stores	14,474,899				14,474,899	14,645,376			14,645,376
b. Ice Control Material .. Stores	1,000,000				1,000,000	1,000,000			1,000,000
c. Pavement Preservation .. Stores	1,285,091				1,285,091	1,373,391			1,373,391
8. Gross Vehicle Weight Division (22)	6,500,000				6,500,000	6,500,000			6,500,000
9. Aeronautics Program (40)	4,244,845	429,401			4,674,246	4,273,224	418,305		4,691,529
10. Rail and Transit Program (50)	538,845	91,800	72,618		703,263	554,684	91,800	73,402	719,886
32,288	315,224	1,564,790			1,912,302	314,742	1,544,739		1,891,897



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	General Fund	Fiscal 1994			Total	General Fund	Fiscal 1995			Total
		State Special Revenue	Federal Special Revenue	Proprietary			State Special Revenue	Federal Special Revenue	Proprietary	
a.			FTA Section 3 Grant		449,609					
b.			FTA Section 8 Grant		107,022			107,022		107,022
c.			FTA Section 18 Grant		261,870			261,870		261,870
d.			FTA Section 26(A) (2) Grant		44,806			44,806		44,806
e.			FTA Section 16(B) (2) Grant		67,398			67,398		67,398
f.			Urban Planning Program		281,986		36,663	245,360		282,023
g.		36,658	245,328		100,000					
11.	100,000	Personal Services Reduction Efficiencies	McCarty Farms Litigation (Restricted/Biennial)		3,427,997	568	2,005,602	1,215,258	232,879	3,454,307
557		1,985,761	1,212,081	229,598						
<b>Total</b>										
131,731	164,831,129	162,668,569	16,802,808		344,434,237	31,848	166,566,274	163,890,169	16,183,175	346,671,466
The department is directed to submit to the 1995 legislature a construction work plan for the years 1995 through 1999 that is detailed by year and project. This work plan must specify, by road system or project area, proposed projects on which \$1 million or more would be spent during the 1997 biennium and an aggregate cost for projects with anticipated expenditures of less than \$1 million. Costs must be detailed by year and project.										
The department may adjust appropriations and FTE in the construction, interfund transfers, and maintenance programs between fiscal years to reflect actual expenditures related to the construction work plan and maintenance activities.										
The department may adjust appropriations in the construction and rail and transit programs between fund types, provided that the adjustment does not exceed 10% of the total appropriation established by the legislature for the construction or rail and transit program and provided that the general fund appropriation in the rail and transit program does not increase over the amount established by the legislature. All transfers between fund types must be fully explained and justified on budget documents submitted to the office of budget and program planning, and all fund transfers of over \$1 million in any 30-day period must be communicated to the legislative finance committee in a written report.										
The legislature recognizes that costs associated with the McCarty farms litigation may exceed the appropriation in item 10g, and in that event, the department will need to request a supplemental appropriation from the 1995 legislature to adequately represent the state.										
1.	849,860	Director's Office (01)	Legislative Audit (Restricted/Biennial)		1,521,959	861,821		112,427	544,821	1,519,069
a.	87,446	2,274	117,894		118,699					
2.	797,682	Centralized Services Division (02)			797,682	798,404				798,404
3.	966,393	Data Processing Division (03)			1,598,414	966,128	86,818		545,099	1,598,045
4.		Liquor Division (05)			259,457				260,222	260,222
5.		Income Tax (06)			4,693,557	4,126,281	512,474			4,638,755
a.	4,180,878	Cigarette Tax Funding/Stamps			15,000		30,000			30,000
6.	1,330,321	Corporation Tax (07)			1,547,602	1,334,840	62,675	156,151		1,553,666
a.		Royalty Audit FTE								

[illegible]

7. Property Valuation Division (08)

a. BEVS Computer Processing

8. Personal Services Reduction Efficiencies

0  
9  
7  
2  
2

0  
9  
7  
2  
2

0  
9  
7  
2  
2



	Fiscal 1994			Fiscal 1995		
	General Fund	State Special Revenue	Proprietary	General Fund	State Special Revenue	Proprietary
	Total	Other	Total	Total	Other	Total
<p>Prior to March 1 of each fiscal year, any agency requesting allocation of these funds shall provide a report to the governor, documenting:</p> <p>(1) that normal turnover of employees and early retirements has not occurred in an amount necessary to provide full funding for personal services;</p> <p>(2) its efforts to work toward cost savings by implementing efficiencies, economies of scale, streamlined supervision, and better coordination of services provided by the agency; and</p> <p>(3) its efforts to identify duplication in services provided by the agency or any other agency.</p> <p>The governor shall respond to requests for these funds by April 1 of each fiscal year. The department may not allocate these funds prior to approval of the governor.</p> <p>The department shall provide periodic reports to the legislative finance committee, documenting allocation of any personal services contingency funds. These reports must include a copy of the reports submitted by the agencies receiving these funds.</p> <p>STATE COMPENSATION MUTUAL INSURANCE FUND (6103)</p>						
1.	State Fund (01)					
		165,685,290	165,685,290			
a.	Legislative Audit (Restricted/Biennial)	52,032	52,032			
b.	Imaging System	283,745	283,745			
c.	New Positions	143,684	143,684			
d.	Fraud Investigation	65,000	65,000			
e.	Contract Audits	295,152	295,152			
	Personal Services Reduction Efficiencies	321,248	321,248			
2.						
Total						
		166,203,655	166,203,655			
<p>The legislature is not pleased with the past administration of this fund.</p> <p>PUBLIC EMPLOYEES' RETIREMENT BOARD (6104)</p>						
1.	Public Employees' Retirement Program (35)					
a.	Legislative Audit (Restricted/Biennial)	1,096,391	1,096,391			
		35,122	35,122			
2.	Personal Services Reduction Efficiencies	29,744	29,744			
Total						
		1,101,769	1,101,769			
<p>The amounts listed in items 1 and 1a are appropriated from the pension trust fund.</p> <p>TEACHERS' RETIREMENT BOARD (6105)</p>						
1.	Teachers' Retirement System (01)					
a.	Legislative Audit (Restricted/Biennial)	651,975	651,975			
		27,805	27,805			
2.	Personal Services Reduction Efficiencies	16,491	16,491			
Total						
		663,289	663,289			



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	Fiscal 1994			General Fund	Total	Other	Fiscal 1995			Total
	State Special Revenue	Federal Special Revenue	Proprietary				Federal Special Revenue	Proprietary	Other	
The amounts listed in items 1 and 1a are appropriated from the pension trust fund.										
DEPARTMENT OF MILITARY AFFAIRS (6701)										
1.	323,529				323,529		329,547			329,547
a.	7,561				7,561					
2.	778,464				1,947,485		791,500		1,178,287	1,969,787
a.	2,974				93,030				17,439	17,439
b.					74,019				74,109	74,109
c.					39,216				39,242	39,242
d.					500,000				500,000	500,000
e.					19,596				19,613	19,613
f.					33,000				34,000	34,000
g.					12,000				12,000	12,000
h.					20,000				20,000	20,000
i.					100,000				100,000	100,000
3.	166,691				1,594,802		170,092		1,443,773	1,613,865
4.	227,147				471,083		225,333		242,130	467,463
a.	5,444				10,888					
5.					345,025				331,576	331,576
a.					4,234					
6.					600,000				600,000	600,000
7.	538,321				575,575		539,922		33,755	573,677
a.	7,561				7,561					
b.					5,682				5,689	5,689
8.	55,157				150,786		55,278		93,876	150,102
Total	2,002,535	41,971	4,588,994		6,633,500	2,001,116	38,496	4,518,293		6,557,905

In item 3, up to 1.0 firefighter FTE may be added if the current contract is modified or becomes unnecessary. Contingent on passage and approval of House Bill No. 404, the department is appropriated \$5,000 in fiscal 1994 and \$5,000 in fiscal 1995 from state special revenue funds for the purpose of paying administrative expenses, including promotion of veterans' license plate sales and donations on behalf of the state veterans' cemetery.

TOTAL SECTION A												
	57,191,372	190,338,718	175,245,790	226,949,510	1,835,430	651,560,820	55,760,718	192,083,604	176,379,032	240,911,717	1,772,254	666,907,325
B. HUMAN SERVICES												
DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES (5301)												
1.	141,558	Director's Office (01)	47,234	543,999		732,791	142,378		47,435	541,069		730,882
a.	15,000	Legal Services (Restricted)				15,000	15,000					15,000
b.		Community Outreach		46,812		46,812				46,812		46,812
2.	278,696	Central Services (02)	265,000	1,215,698		3,284,710	264,685	1,565,127	265,000	1,232,507		3,327,319
a.		Legislative Audit (Restricted/Biennial)		55,284		55,284						
b.		Laboratory Contingency (Restricted/Biennial)				100,000						
c.		Legislative Contract Authority		5,000,000	500,000	5,500,000			5,000,000	500,000		5,500,000
d.		Medical Technologist										34,233
e.		Laboratory Analysis Automation (Biennial)				32,498		34,233				
f.		Network Software Upgrades		61,000		53,500						
g.		ICP Replacement (Biennial)				61,000				18,000		18,000
h.		SSA Contract		12,000		250,000			12,000			12,000
i.		Central Cashier		33,181		33,181				28,788		28,788
j.		Data Processing		110,075		110,075				148,310		148,310
k.		Departmental Move				185,000			65,925			158,561
l.		Accounting		76,916		191,138		92,636		142,774		142,774
m.		Laboratory				23,058		23,064				23,064
3.	369,843	Environmental Sciences (03)	163,472	1,191,677		3,650,140	370,766	2,034,135	1,082,134	163,763		3,650,798
a.		Billings/Laurel Sulfur Dioxide				400,000		190,000				190,000

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	Fiscal 1994				Fiscal 1995			
	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	General Fund	State Special Revenue	Federal Special Revenue	Proprietary
				Other	Total			Other
4.	b.	X-Ray Inspections	121,322		121,322	127,185		127,185
	c.	AQB Operating Permit Program	518,236		518,236	745,602		745,602
		Solid and Hazardous Waste (04)						
	a.	3,444,201 4,858,944	8,249,592	147,111		3,492,879	4,728,183	8,368,173
		Junk Vehicle (Restricted)						
	a.	30,000	30,000			30,000		30,000
	b.	LUST -- Cost Recovery						
		LUST	200,000		200,000		200,000	200,000
	c.	Clark Fork Basin Manager	49,880		49,880	49,892		49,892
	d.	Bank Installer	51,615		51,615	51,616		51,616
5.	e.	CECRA Program Expansion	191,576		191,576	182,863		182,863
	f.	GIS -- ARCO	417,728		417,728	417,750		417,750
	g.	Burlington Northern Cleanup	125,000		125,000	125,000		125,000
	h.	DSL Abandoned Mines	40,000		40,000	40,000		40,000
	i.	Superfund DOD	100,000		100,000	100,000		100,000
		Water Quality (05)						
		1,563,817 4,268,772	5,992,589	160,000		1,536,767	4,251,890	5,948,657
	a.	Clean Lakes/Volunteer Monitoring	72,010		352,010	57,116		337,116
	b.	Public Water Supply/Subdivisions	202,933		202,933	190,933		190,933
	c.	Water Pollution Control	202,393		202,393	190,390		190,390
6.	d.	Nonpoint Source/Wetlands	482,452		482,452	481,180		481,180
	e.	Construction Sludge	35,626		35,626	33,626		33,626
	f.	Pollution Prevention	36,626		36,626	33,626		33,626
	g.	Storm Water Program	107,259		107,259	101,260		101,260
		Health Services and Medical Facilities (06)						
		585,958 376,770	1,856,672	892,469		586,162	373,820	1,852,451
	a.	Robert Wood Johnson	149,626		149,626	149,703		149,703
	b.	Trauma Registry	134,561		134,561	134,568		134,568
	c.	Trauma Care Planning	171,337		171,337	171,337		171,337
	d.	Primary Care Grant						

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Communications in excess of the appropriated levels of \$336,283 in fiscal 1994 and \$360,833 in fiscal 1995. The appropriations for the legislative contract authority in item 2c are subject to the following provisions:

- (1) Legislative contract authority applies only to federal and proprietary funds.
- (2) Legislative contract authority expenditures must be reported on state accounting records. The records must be separate from current level operations.

		Fiscal 1994				Fiscal 1995					
General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
			Stally						Stally		
e.	Rural Physicians Residency Program	113,876			113,876			113,879			113,879
200,000	Expand MIAMI Program	200,000			200,000	200,000					200,000
264,590	Family/Maternal and Child Health Bureau (07)	264,590			264,590	264,590					264,590
243,153	Children's Special Health	23,017,927			23,017,927	243,153		25,432,387			25,675,540
a.	WIC Information Specialist	23,435			23,435			23,435			23,435
b.	Health Services Division Support	36,693			36,693			36,704			36,704
c.	Enhanced Nursing Consultation	51,753			51,753			51,754			51,754
d.	Data Utilization	85,000			85,000			85,000			85,000
e.	Preventive Health Bureau (08)	80,000			80,000			60,000			60,000
92,878	Tuberculosis	73,395	1,572,264		1,738,537	92,878	80,891	1,617,110			1,790,879
a.	Hepatitis B	148,531			148,531			146,130			146,130
b.	Ryan White -- Title II	69,356			69,356			69,373			69,373
c.	Universal Hepatitis	122,548			122,548			127,363			127,363
d.	Preventive Health Block Grant	122,528			122,528			122,528			122,528
e.	Perinatal Hepatitis	220,350			220,350			223,063			223,063
f.	Health Facilities Division (09)	44,423			44,423			44,433			44,433
523,192	Title 18 CLIA	1,956,774			2,479,966	523,820		1,943,475			2,467,295
a.	Petroleum Tank Release Compensation Board (11)	454,909			454,909			454,909			454,909
4,400,000	Personal Services Reduction Efficiencies	4,400,000			4,400,000		4,400,000				4,400,000
81,949		246,069	63,257		747,338	82,231	258,120	353,916	63,338		757,605



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	Fiscal 1994			Fiscal 1995		
	General Fund	State Special Revenue	Federal Special Revenue	General Fund	State Special Revenue	Federal Special Revenue
(3) A report must be submitted by the department to the legislative fiscal analyst following the end of each fiscal year of the biennium. The report must include a listing of projects financed by the legislative contract authority, with the related amount of expenditures for each project.						
(4) Legislative contract authority may not be used for personal services expenditures.						
(5) Legislative contract authority may not be used for personal services expenditures.						
(6) Legislative contract authority must be used to the fullest extent possible before the department seeks a budget amendment.						
Item 3a contains \$400,000 in fiscal 1994 and \$190,000 in fiscal 1995 to address sulfur dioxide problems in the Billings/Laurel area. In preparing the 1997 biennial budget for legislative consideration, the office of budget and program planning and the legislative fiscal analyst's office may not include the expenditures from this item in the current level base.						
Item 3b is contingent on passage and approval of House Bill No. 400.						
Item 3c is contingent on passage and approval of House Bill No. 318.						
Item 4a may only be used for vehicle cushioning and fireproofing.						
Item 4b is contingent on passage and approval of House Bill No. 318.						
It is the intent of this legislature that the department coordinate services provided by items 6a and 6d with the health care commission, contingent on passage and approval of Senate Bill 200.						
and approval of Senate Bill 200.						
child health and prenatal and child health and preventive health block grant funds received over amounts appropriated must be allocated by the department to maternal and child health and prenatal and child health and preventive health services necessary to meet federal grant requirements and to the Montana healthy people year 2000 health objectives as determined by the appropriate health advisory council.						
It is intended that the personal services appropriation in (this act), including legislative contract authority, not exceed \$14,167,960 in fiscal 1994 and \$14,369,790 in fiscal 1995.						
The legislature has considered all federal funds that may become available for personal services expenditures during fiscal 1994 and fiscal 1995 beyond the amount appropriated in (this act) and intends that none be used for personal services.						
DEPARTMENT OF LABOR AND INDUSTRY (6602)						
Job Service Division (01)						
a. 4,064,362 9,432,912	83,244	13,580,518	3,765,975	9,711,278	83,244	13,560,497
a. Legislative Contract Authority						
b. 1,200,000 1,000,000	2,200,000	2,200,000	1,200,000	1,000,000		2,200,000
b. Classification Review						
c. 262,439	262,439	262,439	262,439			262,439
c. Maintenance Contracts						
c. 138,523	138,523	138,523	138,523			138,523
c. Unemployment Insurance (02)						
a. 132,391 4,373,033		4,505,424	132,391	4,402,387		4,534,778
a. Voice Response Communications						
b. 24,000	24,000	24,000	24,000			24,000
b. Legislative Contract Authority						
c. 500,000	500,000	500,000	500,000			500,000
c. Unemployment Insurance Hearings Officer						
c. 36,882	36,882	36,882	36,882			36,882
Commissioner's Office/Centralized Services (03)						
a. 3,033,862	3,033,862	3,033,862	3,033,862			3,071,091
a. Legislative Audit (Restricted/Biennial)						
a. 83,902	83,902	83,902	83,902			
a. Employment Relations (04)						
a. 2,314,972 42,140	3,177,799	319,589	2,316,528	44,286	460,629	3,141,032
a. Uninsured Employers Fund						
b. 594,200	594,200	594,200	594,200			675,200
b. Subsequent Injury Benefits						
b. 697,400	697,400	697,400	697,400			786,200

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	Fiscal 1994			Fiscal 1995		
	General Fund	State Special Revenue	Proprietary	General Fund	State Special Revenue	Proprietary
c.		SIF Actuarial Study	10,000			12,500
d.		Legislative Contract Authority	200,000		200,000	200,000
5.		Legal Services Division (06)	988,367		622,180	83,308
6.		Research, Safety, and Training (07)	2,887,876		1,162,329	1,729,561
a.		Montana Career Information System	99,949			100,015
7.		Human Rights Commission (08)	507,232	402,610	104,600	507,210
a.		Legislative Contract Authority	210,000		210,000	210,000
b.		Additional Caseload FTE	140,412	88,046	50,000	138,046
8.		Workers' Compensation Judge (09)	370,725	368,020		368,020
a.		Judges' Annual Leave and Sick Leave	17,400			1,954
b.		Law Clerks' Annual Leave and Sick Leave	1,954		1,954	800
c.		Overtime	800			
9.		Job Training Grants (50)	12,139,915			12,139,915
a.		UI Administrative Discretionary Grants (Biennial)	1,430,000		1,682,395	10,457,520
10.		Personal Services Reduction Efficiencies	1,000,135	25,457	554,297	1,001,561
Total	815,185	13,273,912	27,716,071	784,788	11,556,193	28,002,462
The appropriations for legislative contract authority in items 1a, 2b, 4d, and 7a are subject to the following provisions:						
(1) Legislative contract authority may not be used for unemployment insurance administrative tax funds.						
(2) Legislative contract authority expenditures must be reported on state accounting records. The records must be separate from current level operations.						
(3) A report must be submitted by the department to the legislative fiscal analyst following the end of each fiscal year of the biennium. The report must include a listing of projects, with the related amount of expenditures for each project.						
(4) Legislative contract authority may not be used for funds that require state matching funds.						
Proprietary funds in item 4a are decreased by \$594,200 in fiscal 1994 and by \$675,200 in fiscal 1995, contingent on passage and approval of House Bill No. 287.						
Proprietary funds in item 4b are decreased by \$697,400 in fiscal 1994 and by \$786,200 in fiscal 1995, contingent on passage and approval of House Bill No. 287.						
State special revenue of \$17,400 in fiscal 1994 in item 8a may only be used for payment of accrued balances of annual leave and sick leave payable under state law to the incumbent judge in the event of resignation or nonreappointment.						
State special revenue of \$1,954 in fiscal 1994 and \$1,954 in fiscal 1995 in item 8b may only be used for payment of accrued balances of annual leave and sick leave payable under state law to law clerks.						
State special revenue of \$800 in fiscal 1994 and \$800 in fiscal 1995 in item 8c may only be used for payment of overtime.						
Item 9a is appropriated as follows:						
Total						
			46,839,444		28,002,462	5,147,721
						45,491,164

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	Fiscal 1994			Fiscal 1995		
	General Fund	State Special Revenue	Proprietary	General Fund	State Special Revenue	Proprietary
			Other			Other
	Total			Total		Total
<p>(1) The amount of \$500,000 is appropriated as a reserve for laid-off state employees for fiscal 1994 for dislocated worker program services. At the end of fiscal 1994, remaining reserves may be used for other dislocated workers.</p> <p>(2) The amount of \$230,000 is appropriated to provide for dislocated worker programs.</p> <p>(3) The amount of \$350,000 is appropriated to provide for job training for economically disadvantaged individuals. These funds may be used only to provide services to individuals with four or more barriers, as defined by the Job Training Partnership Act (JTPA).</p> <p>(4) The amount of \$350,000 is appropriated to provide for job training for offenders. These funds may be used only to provide for services to offenders, as defined by JTPA.</p> <p>The funds appropriated in item 9a may not be used to supplant the level of effort provided by JTPA funding from the federal department of labor. Although the legislature expresses its intent regarding use of the funds, the department has ultimate discretion over the allocation.</p>						
DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES (6901)						
1.	13,909,239	3,068,094	5,706,252	71,773,585	14,413,801	3,199,733
a.		Local JOBS WAIVER				
b.		Food Stamps Outreach		1,100,000		
				157,349		
c.		AFDC Day Care				
d.	13,000	170,000	1,038,633	1,221,633	13,000	170,000
		JOBS Administration (Restricted)				
2.	149,500		149,500	299,000	149,500	
a.		Eligibility Determination Program (03)		5,522,873		
		2,823,290	2,699,583		2,833,132	2,705,738
		Nonassumed County BA				
		87,101	83,686	170,787		
3.		Administrative and Support Services (04)				
	724,853	554,584	1,633,402	2,912,839	742,930	553,142
a.		Legislative Audit (Restricted/Biennial)				
	75,977	6,950	82,926	165,853		
4.		Child Support Enforcement (05)				
a.		2,173,795	4,324,398	6,498,193		
		Increased Communication Costs				
		15,637	30,353	45,990	2,297,754	4,580,593
5.		State-Assumed County Administration (06)				
a.		3,256,350	3,428,844	6,385,394	16,742	32,498
		County Pilot Project (Restricted)				
	100,000			100,000	3,262,968	3,135,008
6.		Medical Assistance (07)				
a.	52,555,250	328,494	154,099,235	206,982,979	56,962,259	328,494
		Medicaid Hospital Costs (Restricted)				
	28,149,157	68,983,889		97,133,046	34,526,762	82,513,109
b.		Medicaid Managed Care				
	238,967	390,311		629,278	240,332	417,452
c.		Psychiatric Utilization Review				
	20,687	62,063		82,750	20,687	62,063
d.		Medicaid Claims Processing				
	48,300	144,900		193,200	48,300	144,900
e.		HB 309 -- Medically Needy Cost Savings				
	519,967	3,087	1,236,070	1,759,124	603,892	3,091
f.		Waiver Inflation and 40 Cases				
						1,434,520
						2,041,503

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		Fiscal 1994			Fiscal 1995		
General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Total	General Fund	State Special Revenue	Federal Special Revenue
				Other			Proprietary
							Other
267,026	654,389	Medicaid-Eligible Education Costs (Restricted)	921,415		361,337	863,535	1,224,872
g.	1,608,794	SB 40 Galen Closure (Restricted)	1,608,794			1,569,918	1,569,918
175,167	429,274		604,441		178,310	426,131	604,441
h.	3,505	Audit and Program Compliance Division (08)	1,722,016		720,270	1,002,704	1,726,490
718,162	1,000,349	Management Analysis and Systems (09)	8,749,114		2,393,623	4,587,349	8,684,292
8.	1,578,330	Vocational Rehabilitation Program (10)	8,770,157		1,838,565	6,725,387	8,771,964
2,467,152	4,702,632	Provider Rate Increase	149,210		76,753	223,163	299,916
9.	341,914	MSD Administration	5,176		1,310	1,310	1,310
1,704,307	6,723,936	MSD Benefits	459,614		116,288	116,288	116,288
a.	111,025	MonteCH Administration	6,098		6,403	6,403	6,403
38,185	5,176	MonteCH Benefits	565,414		593,683	593,683	593,683
b.	459,614	Independent Living Benefits	100,000		100,000	100,000	100,000
c.	1,132,625	Disability Determination Program (11)	3,167,237		3,238,286	3,238,286	3,238,286
d.	1,132,625	Additional FTE	78,339		78,414	78,414	78,414
e.	14,630	Visual Services Program (13)	1,456,374		322,993	1,129,830	1,452,823
f.	22,358,042	Provider Rate Increase	17,070		4,903	29,410	34,313
10.	22,358,042	Developmental Disabilities Program (14)	37,710,622		16,602,560	23,284,924	39,887,484
a.	420,475	DD Benefits (Not for Construction)	100,000		100,000	100,000	100,000
b.	301,178	Provider Rate Increase	874,706		1,156,933	601,225	1,758,158
11.	420,475	Developmental Disabilities Advisory Council (15)	420,475		420,475	420,475	420,475
12.	800,052	Personal Services Reduction Efficiencies	1,327,647		331,621	829,787	1,381,078
13.							
14.							
304,757							
Total			469,291,498		131,346,089	360,524,578	506,318,054

The department is authorized to retain 7.5% of the federal community services block grant and pass through the remaining 92.5% to the human resource development councils (HRDCs). If during fiscal 1994 or fiscal 1995 the block grant falls below the federal fiscal year 1990 grant level, the department shall retain only 5% of the grant amount and pass through the remaining 95% to the HRDCs. In order to expend funds from the appropriation in item 1, the department shall by July 1, 1994, adopt rules that require AFDC recipients whose youngest child is at least 1 year of age to participate in the JOBS program. The department may waive the requirement for good cause.



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General Fund	State Special Revenue	Proprietary	Total	General Fund	State Special Revenue	Proprietary	Total

The general assistance payment level must be set at 12% of the calendar year 1992 federal poverty index. The AFDC payment level for the 1995 biennium must be the same as the payment level in effect in fiscal 1993. The department may not expend funds from item 1d unless the department certifies to the director of the office of budget and program planning that in-house administration of the JOBS program is more cost-effective than contracting for JOBS program administration. The department shall extend client followup reporting to 6 months for each participant leaving the JOBS program. The department shall provide the following information about the Montana AFDC population to the 54th legislature by December 1, 1994:

- (1) the average length of time a client receives AFDC (since the inception of TEAMS, the automated eligibility determination system);
- (2) the percentage of the caseload that remains on AFDC by selected length of stay;
- (3) reported reasons that applicants are requesting AFDC benefits; and
- (4) reported reasons AFDC recipients no longer require AFDC benefits.

The department may obtain information for items 3 and 4 from periodic surveys of AFDC and former AFDC recipients. The department may obtain passage and approval of House Bill No. 135, the department is appropriated \$2,800,492 in federal funds in fiscal 1994 and \$2,800,767 in federal funds in fiscal 1995 for day-care administration.

The department shall competitively award the contract for the food stamp outreach program to an agency or entity that:

- (1) can provide the necessary state or local matching funds;
- (2) demonstrates that it will reach a broad representation of potentially eligible persons;
- (3) will coordinate efforts with the LIEAP, food banks, and food distribution programs; and
- (4) provides for an independent evaluation of the outreach program, including but not limited to the number of persons contacted, the number of persons assisted

evaluation criteria to measure the effectiveness of the outreach program, and any followup information available on the contacts made. If a bid is not awarded (based on the inability to meet all of the above criteria), an outreach program may not be conducted. The department may require only AFDC and food stamp households with earned income and/or those who have recent work history to report monthly. The department may, however, promulgate administrative rules that require monthly reporting for specific recipient population groups that have been shown to be subject to high eligibility determination errors or fraud.

The department is directed to request units of the university system to assist the department, without charge, in development of clear and concise AFDC program information for the education of AFDC clients. The program information must include a description of AFDC-earned income provisions, transitional day care, transitional medical, and any other benefits that will assist the AFDC client in securing and maintaining employment. The state share of AFDC-related support collections and all AFDC and non-AFDC federal incentive payments and program collected fees must be deposited in a state special revenue account from which the state share of the administrative and operational costs of the child support enforcement program must be paid. The legislature intends that, during the 1995 biennium, the department collect at least \$1.15 for each \$1 expended for administrative and operational costs from the account. The department shall transfer to the general fund from the child support enforcement account any cash balance remaining in excess of \$500,000 at the end of fiscal 1994 and 1995.

The department shall conduct a review of child support privatization projects in other states and report the results of the review to the 54th legislature. The review must address: the impact of privatization on the efficient utilization of the state IV-D computer system; the granting of quasi-judicial powers to private contractors; the results of federal audits and conformity to federal regulations of privatized operations; the degree of monitoring by state personnel from privately operating programs or aspects of programs; and a summary of advantages and disadvantages from the perspective of state officials involved with privatization. The department is appropriated funds in item 1d for a pilot project in Deer Lodge County contingent on passage and approval of House Bill No. 427. The pilot project may include work, job training, and preventive health programs for low-income people.

The department is authorized to transfer funds among appropriations for Medicaid primary care, Medicaid nursing care, Medicare buy-in, state medical, and the home- and community-based waiver program.

The legislature intends that expenditures for all provider rate increases approved by the legislature be limited to the dollar amounts appropriated rather than percentage increases on which the original estimates may have been based. The department will be in compliance with this provision if:

- (1) it estimates total costs for each Medicaid service category in June prior to the beginning of each fiscal year of the 1995 biennium; and
- (2) the percentage increase in the legislature that the department develop a continuum of care designed to limit the growth of state expenditures for long-term care is the intent of the legislature that the department is directed to present to the 54th legislature a plan that defines and provides a cost-effective range of services for the elderly and disabled. The department is directed to provide a choice of services that best reflects their personal preferences and treatment needs; offers services for people who are elderly or disabled; provides individuals with a choice of services that best reflects their personal preferences and treatment needs; offers services including but not limited to home care, nursing facility care, long-term hospital care, and alternative community care, such as adult foster homes and personal care facilities. If the department certifies to the director of the office of budget and program planning that cost-effective alternative services for the elderly and disabled





and to control the types and duration of services and reimbursement rates. The departments and agencies shall make arrangements for families to assist in payment of these services.

It is the intent of the legislature that annualized expenses for the operation of the child welfare MIS not exceed \$1,500,000 annually. This amount includes expenses for any facilities management contracting that may be used for system operations, computer processing costs directly associated with operation of the system, and other personal services and nonpersonal services costs directly charged to the management and operation of the system. The department may not proceed with the development of the MIS until it has certified to the office of budget and program planning and to the legislative finance committee that the projected annualized operation costs of the system will not exceed the limit imposed in this statement of intent. If the child welfare system will run on the state mainframe computer and if the department elects to contract for operation of the system on a privately owned and operated mainframe or midrange computer, the department shall submit a comparison to the office of budget and program planning and to the legislative finance committee of the cost of operating the system on the state mainframe computer managed by the department of administration. The department of administration shall estimate rate changes that would occur because of operation of the child welfare MIS on the state mainframe. If the office of budget and program planning determines that statewide cost savings are greater than the private contract cost savings, the department shall operate the child welfare system on the state mainframe computer.

The department may pursue medical funding for the intermountain deaconess children's home.

		<u>Fiscal 1994</u>				<u>Fiscal 1995</u>			
		<u>General Fund</u>	<u>State Special Revenue</u>	<u>Proprietary</u>	<u>Total</u>	<u>General Fund</u>	<u>State Special Revenue</u>	<u>Proprietary</u>	<u>Total</u>
<u>TOTAL SECTION B</u>		157,035,495	49,233,064	431,739,069	7,891,678	645,899,306	165,467,075	47,539,999	456,508,635
									677,422,115
<b>C. NATURAL RESOURCES</b>									
1.	PUBLIC SERVICE REGULATION (4201)								
	Public Service Regulation (01)								
	21,227								
a.	Legislative Audit (Restricted/Biennial)				2,082,587		2,053,664		2,079,332
b.	Master Meter Operators (Restricted)	16,260							
c.	Consultant Funds (Biennial)	2,500			5,000	2,500			5,000
d.	Least-Cost Planning (Restricted/Biennial)	50,000			50,000				
e.	Local Area Network (Biennial)	50,000			50,000				
	200,000				200,000				
	Data Network Services				2,880		2,880		2,880
2.	Personal Services Reduction Efficiencies	2,880							
	1,101				81,901		80,981		82,038
								1,057	
<u>Total</u>					2,324,826		1,978,063	27,111	2,005,174
Item 1b contains appropriations for inspections of natural gas master meter operators. In preparing the 1997 biennium budget for legislative consideration, the office of budget and program planning and the legislative fiscal analyst's office may not include the expenditures from this item in the current level base.									
Item 1d is a biennial appropriation to be used only for expenditures relating to review of least-cost plans submitted by utilities.									
<b>DEPARTMENT OF FISH, WILDLIFE, AND PARKS (5201)</b>									
1.	Administration and Finance Division (01)								
	2,855,615				5,101,997				5,213,254
	488,078								
a.	Legislative Audit (Restricted/Biennial)								
	56,566								
b.	Automated License Issuing System (Restricted/Biennial)								
	60,000								
						2,940,461		1,802,115	
						470,678			



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General Fund	Fiscal 1994			Total	General Fund	Fiscal 1995			Total
	State Special Revenue	Federal Special Revenue	Proprietary			State Special Revenue	Federal Special Revenue	Proprietary	
									Other
c.	Moose/Sheep/Goat Early Drawings			49,480		49,491			49,491
d.	49,480								
	Additional Vehicle Account Funding		60,266	60,266				82,155	82,155
e.	Legislative Contract Authority (Restricted)						65,000		65,000
	65,000			65,000					
2.	Field Services and Region 8 Division (02)					1,731,972	396,323	213,455	2,341,750
a.	1,699,217		392,750	392,750					
	Dam Rehabilitation Engineer (Restricted)		155,068						
	46,340			46,340		42,373			42,373
3.	Fisheries Division (03)					2,639,858	2,512,195		5,152,053
a.	2,649,195			5,225,419					
	Water Rights Leasing (Biennial)		11,250						
b.	3,750			15,000					
	Water Leasing Studies (Biennial)		60,000						
c.	Missouri Basin Reservations (Biennial)			60,000					
	11,582		48,418	46,250					
d.	Fish Introduction EIS (Biennial)								
	13,750		41,950	55,000					
e.	Lewistown Biologist								
	2,800		8,396	11,196		2,795	8,385		11,180
f.	Clark Fork River Investigations (Restricted)		4,994	19,975		4,993	14,982		19,975
g.	Legislative Contract Authority (Restricted)					1,160,000	990,000		2,150,000
	715,000		940,000	1,655,000					
4.	Law Enforcement Division (04)					4,354,244	175,043		4,529,287
a.	4,336,304		175,867	4,512,171					
	Law Enforcement Activities					100,000			100,000
b.	Warden Relocation (Restricted)								
	27,000			27,000		27,000			27,000
c.	Additional Field Warden					14,029			14,029
	14,060			14,060					
d.	Board of Outfitters Grant					10,000			10,000
	10,000			10,000					
e.	Legislative Contract Authority (Restricted)						40,000		40,000
	40,000			40,000					
5.	Wildlife Division (05)					2,852,681	2,281,981		5,134,662
a.	2,876,666		2,265,851	5,142,517					
	Upland Game Birds (Biennial)								
b.	1,840,400			1,840,400					
	Wildlife Management EIS (Restricted)					30,000	90,000		120,000
	68,750		206,250	275,000					
c.	Trapper Education					3,125	9,375		12,500
	3,125			12,500					
d.	Legislative Contract Authority (Restricted)					844,000	687,500		1,531,500
	855,000		729,000	1,584,000					
6.	Parks Division (06)								

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	Fiscal 1994			Fiscal 1995		
	State Special Revenue	Proprietary	Total	State Special Revenue	Proprietary	Total
(2) The department may transfer appropriation authority between state special revenue and federal special revenue. Transfers may not change the total appropriated to the department for legislative contract authority.						
(3) Legislative contract authority expenditures must be reported on state accounting records. The records must be separate from current level operations.						
(4) A report must be submitted by the department to the legislative fiscal analyst following the end of each fiscal year of the biennium. The report must include a listing of projects with the related amount of expenditures to be studied for each project.						
Item 1b contains \$60,000 as a biennial appropriation to study the feasibility of implementing an automated license issuing system. The department shall present the results of the study to the 54th legislature. In preparing the 1997 biennium budget for legislative consideration, the office of budget and program planning and legislative fiscal analyst's office may not include the expenditures from this item in the current level base.						
Item 2a contains \$46,340 in fiscal 1994 and \$42,373 in fiscal 1995 appropriated as a grant to the department of natural resources and conservation to fund a dam rehabilitation engineer to work on the department of fish, wildlife, and parks' dams. In preparing the 1997 biennium budget for legislative consideration, the office of budget and program planning and the legislative fiscal analyst's office may not include the expenditures from this item in the current level base.						
Item 3f contains \$19,975 in fiscal 1994 and \$19,975 in fiscal 1995 appropriated for aquatic resource data collection and litigation support on the upper Clark Fork River in connection with the state's resource damage assessment suit against AKCO. In preparing the 1997 biennium budget for legislative consideration, the office of budget and program planning and the legislative fiscal analyst's office may not include the expenditures from this item in the current level base.						
Item 4 contains \$100,000 in fiscal 1994 and \$100,000 in fiscal 1995 appropriated for legislative consideration, the office of budget and program planning and the legislative fiscal analyst's office may not include the expenditures from this item in the current level base. In the litigation, the state shall seek reimbursement for all expenses incurred by the department associated with the assessment and litigation. Reimbursement must include interest on the amount commensurate with rates earned in the short-term investment pool.						
Item 4b contains \$27,000 in fiscal 1994 and \$27,000 in fiscal 1995 appropriated for warden relocation expenses. In preparing the 1997 biennium budget for legislative consideration, the office of budget and program planning and the legislative fiscal analyst's office may not include the expenditures from this item in the current level base.						
Item 5b contains \$275,000 in fiscal 1994 and \$120,000 in fiscal 1995 appropriated to complete a wildlife management environmental impact statement. In preparing the 1997 biennium budget for legislative consideration, the office of budget and program planning and the legislative fiscal analyst's office may not include the expenditures from this item in the current level base.						
Item 6 contains \$500,000 from federal funds and \$71,489 from general funds in fiscal 1994 and \$500,000 from federal funds and \$71,666 from general funds in fiscal 1995 appropriated for the Montana conservation corps. It is the intent of the legislature that the department provide a liaison position to coordinate this program with the human resource development council and other appropriate entities.						
Item 6b contains \$40,000 in fiscal 1994 as a biennial appropriation for an off highway vehicles environmental impact statement. In preparing the 1997 biennium budget for legislative consideration, the office of budget and program planning and the legislative fiscal analyst's office may not include the expenditures from this item in the current level base.						
Item 6c contains an appropriation for 0.5 FTE and \$15,030 each year of proprietary funds to replace trees and shrubs damaged in the winter of 1988-1989. In preparing the 1997 biennium budget for legislative consideration, the office of budget and program planning and the legislative fiscal analyst's office may not include the expenditures from this item in the current level base.						
Item 6d contains \$60,000 from federal funds in fiscal 1995 appropriated for maintenance and operations of fishing access sites. In preparing the 1997 biennium budget for legislative consideration, the office of budget and program planning and the legislative fiscal analyst's office shall consider replacing state special revenue in current level funds based on the department's conversion of fishing access sites with land and water conservation fund restrictions.						
Item 6f contains \$262,295 in fiscal 1994 and \$271,639 in fiscal 1995 of state special revenue appropriated for state parks maintenance and improvements. These appropriations are contingent on passage and approval of House Bill No. 642.						
Item 8d contains \$36,100 in fiscal 1994 and \$36,100 in fiscal 1995 from state special revenue appropriated to contract with the department of justice to provide attorney general assistance to the department in prosecuting fish and wildlife cases. In preparing the 1997 biennium budget for legislative consideration, the office of budget and program planning and the legislative fiscal analyst's office may not include the expenditures from this item in the current level base.						
DEPARTMENT OF STATE LANDS (5501)						
Central Management Program (01)						
1. 1,368,995	120,000	332,565	1,973,470	120,000	339,701	1,931,232
a. 151,910						
Legislative Audit (Restricted/Biennial)						
a. 46,504			46,504			
b. Helicopter Development (Restricted)						
4,981		59,686	119,372	9,224	99,229	139,898
c. Maintenance Facility/Air Operations						
54,705		72,867	72,867		73,102	73,102
Reclamation Program (03)						

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		Fiscal 1994			Fiscal 1995						
General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
a.	1,383,482	5,768,317			7,151,799		1,365,503	5,786,977			7,152,480
b.	150,000	Hard Rock Reclamation (Biennial)			150,000						
c.	500,000	Bond Forfeitures (Biennial)			500,000						
d.	3,000,000	Environmental Analysis (Biennial)			3,000,000						
e.	39,869	Reclamation Attorney -- AMRB			39,869			35,085			35,085
	41,605	Environmental Compliance			41,605		41,605				41,605
3.	1,000,708	Land Administration Program (04)			1,313,340	999,722	313,661				1,313,383
4.	6,208,684	Forestry Program (25)			10,471,808	6,303,794	3,320,357	956,701			10,580,852
	16,667	Vehicle Replacement			25,000	16,667	8,333				25,000
5.	302,889	Personal Services Reduction Efficiencies			548,625	304,187	159,169	77,636	10,794		551,786
	159,494										
	77,367										
Total	8,393,374	6,699,872	6,807,520	456,243	24,357,009	8,372,207	5,046,279	6,821,127	501,238		20,740,851
Item 1b includes \$54,705 from general funds, \$4,981 from state special revenue funds, and \$59,686 from proprietary funds in fiscal 1994. In preparing the 1997 biennial budget for legislative consideration, the office of budget and program planning and the legislative fiscal analyst's office may not include the expenditures from this item in the current level base. It is the intent of the legislature that the fiscal 1995 appropriation for this item, adjusted for inflation, is the correct ongoing base for this item when considering the 1997 biennial budget.											
The legislature recommends that the board of land commissioners amend its cabin site rules and fee structure to require lessees who apply for sale of their cabin sites to reimburse the department for all expenses it incurs in processing the sale applications.											
Federal fire reimbursement funds are those funds received for expenses incurred from loaning department personnel to federal agencies to assist in fire suppression activities. Only those federal funds received as reimbursement of expenses credited against the department's state forestry operational budget are considered federal fire reimbursement funds. All other federal funds received must be deposited into the general fund. The department shall report federal fire reimbursement expenditures on state accounting records, and the records must be separate from current level operations.											
DEPARTMENT OF LIVESTOCK (5603)											
1.	52,090	Centralized Services Program (01)			554,612	49,812	466,317	35,500			551,629
a.	17,236	Legislative Audit (Restricted/Biennial)			20,325						
b.	1,140	Position Description Rewrite (Biennial)			7,500						
c.	1,018	Data Processing Training (Biennial)			1,200						
2.	126,927	Diagnostic Laboratory Program (03)			907,649	122,923	820,273				943,196
a.	98,966	Diagnostic Laboratory Workload			98,966		148,522				148,522
	574,837	Disease Control Program (04)			574,837		579,195				579,195
a.	46,500	Bison and Game Farm Inspections			46,500		46,500				46,500



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	Fiscal 1994			Total	Fiscal 1995			Total
	General Fund	State Special Revenue	Federal Revenue		General Fund	State Special Revenue	Federal Revenue	
4. Milk and Egg Program (05)								
				186,802		164,191	25,000	189,191
5. Inspection and Control Program (06)				2,303,854		2,317,395		2,317,395
a. Additional Brand Inspectors				47,023		46,987		46,987
6. Predatory Animal Control Program (08)				310,969		315,844		315,844
7. Meat and Poultry Inspection Program (10)				535,940		270,263		540,526
a. Meat and Poultry Inspection Workload				60,956		30,512		61,024
b. DHES Meat Inspection Contract (Restricted)				50,000		50,000		50,000
8. Personal Services Reduction Efficiencies				197,603		164,328		200,604
	22,529	161,541	13,533		22,599		13,677	
Total	459,347	4,705,768	344,415	5,509,530	450,911	4,790,896	347,598	5,589,405
Item 1 contains an appropriation for \$27,500 of state special revenue in fiscal 1994 and \$27,500 of state special revenue in fiscal 1995 derived from the per capita levy. If House Bill No. 516 is passed and approved, the funding source for these state special revenue appropriations will be revenue derived from fees enacted by that bill.								
Item 2 contains \$16,376 in fiscal 1994 and \$16,375 in fiscal 1995 to pay two payments of the \$81,876 owed to Montana state university for the energy retrofit of the Marsh laboratory. It is the legislature's intent that the total amount owed be paid in five consecutive annual payments.								
Item 3 contains an appropriation for \$85,000 of state special revenue in fiscal 1994 and \$85,000 of state special revenue in fiscal 1995 derived from the per capita levy. If House Bill No. 516 is passed and approved, the funding source for these state special revenue appropriations will be revenue derived from fees enacted by that bill.								
Item 4 contains an appropriation for \$161,802 of state special revenue in fiscal 1994 and \$164,191 of state special revenue in fiscal 1995 derived from the per capita levy. If House Bill No. 516 is passed and approved, the funding source for these state special revenue appropriations will be revenue derived from fees enacted by that bill.								
Appropriations in item 7b are to be used only to contract with the department of health and environmental sciences for meat inspection at the retail level.								
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION (5706)								
1. Centralized Services (21)				1,775,328	857,603	859,574	77,806	1,794,983
a. Legislative Audit (Restricted/Biennial)				43,252				
b. Missouri River Lawsuit (Biennial)				19,590				
2. Oil and Gas Conservation (22)				1,212,380		1,207,036		1,207,036
3. Conservation and Resource Development Division (23)				1,215,483		1,143,057	77,000	1,220,057
a. EPA Wetlands Grant (Biennial)				5,000				
b. River Coordinator				25,272			12,637	12,637
c. Saline Sheep				100,000		100,000		100,000
d. Treasure State Endowment								

	Fiscal 1994			Fiscal 1995		
	General Fund	State Special Revenue	Proprietary	General Fund	State Special Revenue	Proprietary
			Other	Total		Other
						Total
4.	Water Resources Division (24)	36,146		36,146	60,128	60,128
a.	State Water Project Rehabilitation (Biennial)	52,500		5,610,949	3,444,583	5,604,682
b.	Transfer of Water Projects	2,395,000		13,651,000		
c.	Transfer of Water Projects Operating Expenses (Biennial)	36,800		36,800	36,800	36,800
d.	Missouri River Reservation	51,488		51,488		
e.	Missouri River Reservation Operating Expenses (Biennial)	68,869		68,869	70,072	70,072
f.	Broadwater Fisheries Mitigation (Biennial)	181,500		181,500		
g.	Dam Rehabilitation Engineer (FWP)	52,100		52,100		
5.	Reserved Water Rights Compact Commission (25)	46,340		46,340	42,373	42,373
6.	Energy Division (26)	500,613		500,613	500,475	500,475
a.	Rock Creek Mitigation (Biennial)	1,203,576		2,757,872	1,223,560	2,760,123
b.	Lake Broadview (Biennial)	400,000		400,000		
c.	School Energy Retrofit (Biennial)	30,280		30,280		
d.	Legislative Contract Authority (Restricted)	600,000		600,000		
7.	Personal Services Reduction Efficiencies	200,000		200,000		
	214,167	41,542	2,431	427,527	216,841	428,590
Total	3,346,796	11,164,368	13,284,002	28,192,735	3,338,970	12,980,776

Included in centralized services division funding is \$35,000 of indirect funds from MFSA/NEPA fees. If MFSA/NEPA activities generate more than \$35,000 of indirect funds over the biennium, the additional indirect funds must be deposited in the general fund.

The board of oil and gas conservation is appropriated \$110,000 per year of federal revenue, contingent upon receiving federal funds from the environmental protection agency for the underground injection control program.

Item 3c is funded with RIT reclamation and development funds. If this modification is approved, the Montana salinity control association may not receive a RIT reclamation and development grant in the 1995 biennium.

The department is appropriated up to \$700,000 from the account established in 76-14-112 for rangeland loans during the 1995 biennium.

All funds deposited in the state special revenue account established in 76-15-530 are appropriated to the department for distribution as grants to conservation districts.

All funds held in the state special revenue account in accordance with 76-16-106(2) are appropriated to the department for administration of grazing district activities.

The department is appropriated up to \$1 million over the biennium from the account established in 85-1-604 for purchase of prior liens on property held as loan security as required by 85-1-618.

The department is appropriated \$100,000 a year in federal funds contingent upon receiving federal funds from the environmental protection agency for water quality-related grants.

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	Fiscal 1994			Fiscal 1995		
	General Fund	State Special Revenue	Federal Special Revenue	General Fund	State Special Revenue	Federal Special Revenue
		Proprietary	Other	Total	Proprietary	Other
		etary			etary	
						Total
On passage and approval of House Bill No. 608, operating expenses and RIT tax proceeds state special revenue funds in item 3 are increased by \$27,526 per year.						
During the 1995 biennium, the department shall attempt to:						
(1) negotiate elimination of escalator clauses in regional office rent charges;						
(2) negotiate reductions to current regional office rent charges.						
Funds received under the provisions of 85-1-514(4) are appropriated to the department for the purpose of performing remedial action on water wells, providing compensation for damages caused by water well violations, or paying administrative costs incurred by the board of water well contractors.						
Any fines collected under the provisions of Title 85, chapter 2, and deposited in the water right appropriation account in accordance with 85-2-318 are appropriated to the department to carry out the enforcement functions required under 85-2-114, for the purpose of performing remedial action on water wells, providing compensation for damages caused by water well violations, or paying administrative costs incurred by the board of water well contractors.						
Funds received from bonds required by 37-43-306 are appropriated to the department for the purpose of performing remedial action on water wells, providing compensation for damages caused by water well violations, or paying administrative costs incurred by the board of water well contractors.						
All interest earned on the Montana power company, Beaverhead and is deposited to the department for use on the Beaverhead ground water study.						
All funds currently in or to be deposited in the Broadwater replacement and renewal account are appropriated to the department for repairing or replacing equipment at the Broadwater hydropower facility or to service the Broadwater hydropower bond debt if revenue deposited in the debt service account is insufficient for this purpose.						
All interest earned on the Broadwater users account is appropriated to the department for the purpose of repair, improvement, or rehabilitation of the Broadwater Missouri diversion project.						
Broadwater Missouri diversion project.						
Funds received by the department from arbitration, litigation awards, or settlements, including funds from the escrow account currently established in an escrow agreement between voith hydro, inc., the department, and norwest bank, Helena, pursuant to agreement 1189.1 Broadwater power project, are authorized to be spent to pay costs, including bond debt associated with the Broadwater power project.						
Item 4g is funded with fish, wildlife, and parks (FWP) state special revenue and provides for a 1.0 FTE engineer and related operating expenses to work on FWP dams. The department shall report on the results of this project to the 54th legislature, and expenditures from this item may not be used in constructing the current level base for the 1997 biennium.						
The department is appropriated up to \$700,000 from the Rock Creek trust account in addition to the \$400,000 included in item 6a. The total appropriation for item 6a may not exceed \$1,100,000 over the biennium.						
The appropriation in item 6d is subject to the following provisions:						
(1) Legislative contract authority applies only to federal funds and private donated funds.						
(2) Legislative contract authority expenditures must be reported on state accounting records. The records must be separate from current level operations.						
(3) A report must be submitted by the department to the legislative fiscal analyst following the end of each fiscal year of the biennium. The report must include a listing of projects with the department to the legislative fiscal analyst following the end of each fiscal year of the biennium. The report must include a listing of projects with the related amount of expenditures for each project.						
DEPARTMENT OF AGRICULTURE (6201)						
1.	190,681	202,631	39,828	26,076	9,674	468,890
a.						184,706
b.						30,569
						23,988
						461,651
						2,915,974
						999,937
						110,434
						39,999
						35,000
						24,032
						458,716
						2,926,496
						129,004
						110,422
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						2,926,496
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						26,195
						9,714
						470

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	General Fund	Fiscal 1994			Total	Fiscal 1995			Total
		State Special Revenue	Proprietary	Other		State Special Revenue	Proprietary	Other	
374,038	296,573	5,615	8,421		684,647	339,264	5,731	8,566	686,436
a. Additional Potato Inspections					40,736				40,736
b. Liquidation Contingency Fund (Biennial)					20,000				
c. Ag Inspectors Reclassification					23,906				23,906
d. Insect Surveys					10,350				10,350
5. Agricultural Development Division (50)					67,346	1,058,918	187,092	65,487	2,281,295
6. Personal Services Reduction Efficiencies					11,174	85,051	18,149	11,298	154,862
40,867	84,709	19,698			156,448	40,364			
Total	840,729	6,263,378	576,016	223,438	7,969,407	763,354	5,454,709	502,864	7,006,683
If federal indirect assessments received are in excess of \$39,828 in fiscal 1994 and \$39,978 in fiscal 1995, the general fund appropriation in item 1 is reduced by the excess received up to \$212,750 in fiscal 1994 and up to \$201,780 in fiscal 1995 and the federal appropriation is increased by like amounts.									
Items 3 and 3a contain a state special revenue appropriation of \$1,285,168 in fiscal 1994 and \$1,142,523 in fiscal 1995 for grants of vehicle weed fees that must be used according to 80-7-810.									
In preparing the 1997 biennium budget for legislative consideration, the office of budget and program planning and the legislative fiscal analyst's office may not include expenditures from item 3c in the current level base.									
In preparing the 1997 biennium budget for legislative consideration, the office of budget and program planning and the legislative fiscal analyst's office may not include the expenditures from item 3d in the current level base.									
The department is authorized to make grants to state agencies from the growth through agriculture account as approved by the Montana agriculture development council in accordance with Title 90, chapter 9. The state agency that receives a grant from the Montana agriculture development council is authorized additional appropriation authority equal to the grant amount.									
Agricultural statistics bulletins must be mailed only to individuals who request them from the department and who provide a self-addressed envelope with the correct postage affixed.									
DEPARTMENT OF COMMERCE (6501)									
1. Public Safety Division (01)					142,120	70,841	71,560		142,401
a. Legislative Audit (Restricted/Biennial)			71,279		206				
Weights and Measures Bureau (02)									
a. Legislative Audit (Restricted/Biennial)					476,769	490,749			490,749
Financial Institutions (36)					1,494				
a. Legislative Audit (Restricted/Biennial)					913,587	911,510			931,510
b. Banking Code Revision					2,668				
Milk Control Bureau (37)					258,984	244,094			244,094
a. Legislative Audit (Restricted/Biennial)					269,067	270,789			270,789
Professional and Occupational Licensing Bureau (39)					804				



General Fund	State Special Revenue	Fiscal 1994			Total	General Fund	State Special Revenue	Fiscal 1995		
		Federal Special Revenue	Proprietary	Other				Federal Special Revenue	Proprietary	Other
6.	a.	2,884,377	1,084,395		3,968,772		2,799,955		1,090,235	
		Legislative Audit (Restricted/Biennial)								
	b.		9,889		9,889					
		POL Board Requests								
	c.	103,349			103,349		104,349			
7.	a.	135,182			135,182				135,172	
		POL Pool Workload Increase								
	b.		50,000		50,000					
		Computer Equipment (Biennial)								
	c.	3,889,948			3,889,948	701,484	647,435	2,477,608		
8.	a.	716,557			716,557					
		Business Development Division (51)								
	b.	2,475,463			2,475,463					
		Legislative Audit (Restricted/Biennial)								
	c.	1,378,792			1,378,792					
9.	a.	7,563,139			7,563,139		7,835,992			
		Montana Protection Division (52)								
	b.	17,812			17,812					
		Legislative Audit (Restricted/Biennial)								
	c.	44,064			44,064		44,120			
10.	a.	372,514			372,514					
		Community Development Bureau (60)								
	b.	23,116,587			23,116,587	241,421	374,512	23,017,710		
		Legislative Audit (Restricted/Biennial)								
	c.	15,258			15,258					
11.	a.	13,440			13,440					
		Hard-Rock Revenue (Restricted)								
	b.	100,000			100,000		100,000			
		Treasure State Endowment								
	c.	181,000			181,000		203,000			
12.	a.	5,422,419			5,422,419			5,423,568		
		HOME/CHAS Program								
	b.	73,826			73,826			27,448		
		Section 107 Technical Assistance Grant								
	c.	1,956,558			1,956,558					
13.	a.	284,510			284,510	285,990				
		Office of Research and Information Services (61)								
	b.	907			907					
		Legislative Audit (Restricted/Biennial)								
	c.	35,821			35,821	31,903				
14.	a.	1,331,371			1,331,371	151,789			1,347,184	
		Local Government Services Audit/Systems (62)								
	b.	3,578			3,578					
		Legislative Audit (Restricted/Biennial)								
	c.	127,649			127,649				127,898	
15.	a.	376			376					
		Local Government Assistance -- Administration (64)								
	b.	1,395,177			1,395,177					
		Legislative Audit (Restricted/Biennial)								
	c.	1,592,424			1,592,424					

**FIFTY-NINTH LEGISLATIVE DAY**  
**March 16, 1993**

**1251**

	Fiscal 1994			Fiscal 1995		
	General Fund	State Special Revenue	Proprietary	Federal Special Revenue	Proprietary	Total
			State		State	
			Fund		Revenue	
13.	104,155	Indian Affairs Coordinator (70)	187,276	243,749		243,749
		31.	195,264		91,295	195,982
		31.	507			
14.		Health Facilities Authority (71)	143,769		143,283	143,283
		a.	379			
		b.	30,081		30,081	30,081
15.		Board of Housing (74)	1,444,648		1,452,694	1,452,694
		a.	57,093			
16.		Board of Investments (75)	1,886,113		1,804,804	1,804,804
		a.	5,283			
		b.	40,000		40,000	40,000
17.		Montana Lottery (77)	7,193,300		6,690,421	6,690,421
		a.	10,036			
18.		Board of Horseracing (78)	240,191	241,267		241,267
		a.	581			
19.		Director/Management Services (81)	858,825		862,805	862,805
		a.	285			
		b.	100,000			
20.		Personal Services Reduction Efficiencies	576,610	65,989	278,942	579,639
		181,253				
Total	1,557,635	17,582,894	30,529,129	14,321,190	63,992,848	1,557,493
		On passage and approval of House Bill Nos. 17 and 70, equipment and state special revenue funds in item 2 are increased by \$63,000 in fiscal 1994 and \$26,661 in fiscal 1995.			16,011,475	30,986,212
		If House Bill No. 82 is not passed and approved, the state special revenue appropriation in item 5 is increased by \$10,000 per year to fund an investigations coordinator for the board of outifters.			13,517,195	62,072,395
		If Senate Bill No. 161 is not passed and approved, the general fund appropriation in item 6a is increased by \$34,377 in fiscal 1994.				
		All funds deposited in accordance with 15-35-108(3) (c) are appropriated to the department for distribution as county land planning grants.				

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If the federally funded equal employment opportunity (EEO) contract is not renewed, the general fund appropriation in item 13 is increased by \$2,035 in fiscal 1994 and by \$1,941 in fiscal 1995.

TOTAL SECTION C										63,903	145,812,259
17,278,598										16,657,107	48,889,898
MONTANA ARTS COUNCIL (5114)										63,350,802	16,657,107
1. Promotion of the Arts (01)											
116,079 283,504 283,073											
a. Legislative Audit (Restricted/Biennial)										205,680	492,549
14,634											
b. Federal Grants (Biennial)											
618,017											
c. Folklife Program											
35,820										35,978	35,978
d. Rural Arts Specialist											
24,428 24,649										24,530	49,482
e. Legislative Contract Authority (Biennial)											
200,000											
2. Personal Services Reduction Efficiencies										5,836	15,120
1,241 4,579 9,211										3,216	6,068
Total										224,696	562,889
129,472 321,173 1,116,528										1,567,173	213,667
(1) The biennial appropriation for legislative contract authority in item 1e is subject to the following provisions:											
(2) Legislative contract authority applies only to federal funds.											
(3) A report must be submitted by the Montana arts council to the legislative fiscal analyst following the end of each fiscal year of the biennium. The report must include a listing of projects with the related amount of expenditures for each project.											
MONTANA STATE LIBRARY COMMISSION (5115)											
1. State Library Operations (01)											
1,296,405 161,000 1,531,584										161,000	1,581,948
a. Legislative Audit (Restricted/Biennial)										371,584	
14,634											
b. Donations and Bequests (Biennial)											
55,000											
2. Natural Resource Information Services (07)											
295,539 815,000										245,546	260,546
a. State Lands Core Support										15,000	
2,400 7,600										2,400	7,600
b. Highways NRIS Support											
100,000										100,000	100,000
3. Personal Services Reduction Efficiencies										9,004	43,362
15,957 3,730 23,527										24,342	10,016
Total										498,930	1,909,132
1,295,082 610,209 2,330,657										1,025,022	385,180

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General Fund	State Special Revenue	Fiscal 1994			Total	General Fund	Fiscal 1995			Total
		Federal Special Revenue	Proprietary	Other			Federal Special Revenue	Proprietary	Other	
1. 572,305	Administration Program (01)	82,635	44,854		699,794	577,940	82,736	45,184		705,860
	a. Legislative Audit (Restricted/Biennial)				18,341					
2. 18,341	Library Program (02)				494,217	450,315	7,157			490,542
	a. Photo Archives Storage		30,674		2,400			33,070		2,400
	b. Photograph Print Washer		2,400					1,095		1,095
	c. Photo Archives Clerk		4,449					4,449		4,449
	d. Motion Picture Conservator		1,200					1,200		1,200
3. 225,307	Museum Program (03)				240,543	224,862	11,121			240,105
	a. Original Governor's Mansion Preservation		4,115		3,700		3,700	4,122		3,700
	b. Legislative Contract Authority (Biennial)		66,000		66,000					
4. 51,465	Publication (04)		522,005		573,470	51,465		525,100		576,565
	a. Legislative Audit (Restricted/Biennial)		781		781					
	b. Press Editor		12,938		12,938			12,975		12,975
	c. Press Book Authority		12,000		12,000			12,000		12,000
	d. Legislative Contract Authority (Biennial)		234,000		234,000					
5. 80,181	Historical Sites Preservation (06)		701,572		81,193			615,269		696,462
	a. Legislative Audit (Restricted/Biennial)		621,391		5,268					
	b. CRABS Database Managers		4,425		14,092					14,092
	c. Field Survey Historian									

Item 1 includes biennial appropriations of \$258,621 in general funds and \$1,160,000 of federal funds for grants to local libraries. Item 1b includes a one-time biennial appropriation for an additional request of \$30,000 for the library for the blind that may not be included in the current level base in the agency budget request for the 1997 biennium.

In the event coal severance tax allocated to the Montana state library under 15-35-108(3) (f) exceeds the amounts appropriated to the Montana state library for fiscal 1994 and fiscal 1995, the additional funds are appropriated to the Montana state library commission for pass-through to the library federations. The additional appropriation allowed is not to exceed \$30,000 each year.

The biennial appropriation for legislative contract authority of \$850,000 in item 2 is subject to the following provisions:

(1) Legislative contract authority applies only to federal and private funds.

(2) Legislative contract authority expenditures must be reported on state accounting records. The records must be separate from current level operations.

(3) A report must be submitted by the Montana state library commission to the legislative fiscal analyst following the end of each fiscal year of the biennium.

The report must include a listing of projects with the related amount of expenditures for each project.

MONTANA HISTORICAL SOCIETY (5117)



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[illegible]

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General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
			etary						etary		
(2) Legislative contract authority expenditures must be reported on state accounting records. The records must be separate from current level operations.											
(3) A report must be submitted by the department to the legislative fiscal analyst following the end of each fiscal year of the biennium. The report must include a listing of projects with the related amount of expenditures for each project.											
The legislature directs the department to work toward limiting the number of prisoners at Montana state prison to 850 inmates. Item 2 includes an appropriation sufficient to maintain the number of inmates.											
Item 3 includes \$80,220 in fiscal 1994 and \$130,900 in fiscal 1995 that must be transferred to the energy conservation program account and used to retire the general obligation bonds sold to fund energy improvements through the state building energy conservation program.											
Item 3 includes \$100,000 each year of the biennium for maintenance of the Galen campus.											
The legislature directs the department to maintain the Galen campus in good condition during the 1995 biennium while the department seeks potential users of the facilities. If a use can be found that will not have a negative state general fund impact during the 1995 biennium, the department is authorized to make the necessary transfer after review by the legislative finance committee.											
If House Bill No. 333 is passed and approved, the general fund appropriation in item 3 is increased by \$84,263 in fiscal 1994 and by \$136,823 in fiscal 1995 and the general fund appropriation in item 6 is increased by \$78,537 in fiscal 1994 and by \$103,357 in fiscal 1995.											
Item 5 includes \$4,675 in fiscal 1995 that must be transferred to the energy conservation program account and used to retire the general obligation bonds sold to fund energy improvements through the state building energy conservation program.											
TOTAL SECTION D	7,410,878	11,554,054	4,585,617		102,418,530	79,682,475	7,342,553	6,106,924	4,590,646		97,722,598
78,867,981											

## E. EDUCATION

University system units are defined in 17-7-102(16). For all university system units, except the office of the commissioner of higher education, all funds, other than plant funds appropriated in (the long-range planning bill) relating to long-range building, and current unrestricted operating funds, are appropriated contingent upon approval of the comprehensive program budget by the board of regents by October 1 of each year. The budget must contain detailed revenue and expenditures and anticipated fund balances of current funds, loan funds, endowment funds, and plant funds. All movement of funds between the current unrestricted subfund and the designated subfund account entities must be clearly identified in the state budgeting and accounting system.

Programs for the university system units' budgets, except the office of the commissioner of higher education, include instruction, organized research, public service, academic support, student services, institutional support, operation and maintenance of plant, and scholarships and fellowships.

All university system units, except the office of the commissioner of higher education, shall account for expenditures consistently within programs and funds across all units and shall use the national center for higher education management systems program classification structure, along with the college and university business administration (CUBA) system, as a minimum standard for achieving consistency.

OFFICE OF SUPERINTENDENT OF PUBLIC INSTRUCTION (3501)

1. Administration (06)

a. Legislative Audit (Restricted/Biennial)

b. Transfer (Restricted/Biennial)

c. Teacher Certification

d. Advanced Drivers' Education

e. School Food Commodities

f. Miscellaneous Federal Funds

g. Cooperative Purchase Aid

h. Resource and Publications

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	Fiscal 1994			Total	Fiscal 1995		
	General Fund	State Special Revenue	Proprietary		General Fund	State Special Revenue	Proprietary
1.	15,000			15,000		15,000	
i.	Indirect Cost Pool						
j.	Legal Fees (Restricted/Biennial)	110,000		110,000			110,000
2.	28,500			28,500			
Distribution to Public Schools (09)							
a.	Special Education (Restricted)				32,845,797		
b.	Special Education Contingency (Restricted/Biennial)			32,845,797			32,845,797
c.	Transportation (Restricted)			2,031,163			
d.	3,908,166			9,601,724	5,693,558	3,914,457	
e.	School Foods (Restricted)			599,397	599,397		
f.	Adult Basic Education (Restricted/Biennial)			250,000	250,000		9,608,015
g.	Individuals With Disabilities Education Act - B (Biennial)			1,823,000			599,397
h.	Job Training Partnership Act (Biennial)			1,017,200			250,000
i.	Adult Basic Education (Biennial)			1,365,000			
j.	McKinney Homeless Act (Biennial)			180,400			
k.	Preschool Incentive (Biennial)			230,000			
l.	Vocational Education (Biennial)			6,022,525			
m.	Individuals With Disabilities Education Act - D (Biennial)			12,000			
n.	Chapter 1 (Biennial)			540,000			
o.	Foreign Language (Biennial)			99,000			
p.	Even Start Family Literacy (Biennial)			925,000			
q.	Instate Treatment (Restricted/Biennial)			2,273,320			
r.	Instate Residential Services (Biennial)			376,471			
s.	School Food Services			29,940	45,673		45,673
t.	Gifted and Talented (Restricted/Biennial)			300,000			
u.	Secondary Vocational Education (Restricted/Biennial)			1,300,000			
v.	Personal Services Reduction Efficiencies			247,801	100,127	7,212	32,724
3.	108,319	7,174	107,711	247,801	100,127	108,272	248,335

**FIFTY-NINTH LEGISLATIVE DAY**  
**March 16, 1993**

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	Fiscal 1994			Fiscal 1995		
	General Fund	State Special Revenue	Federal Special Revenue	General Fund	State Special Revenue	Federal Special Revenue
<b>Total</b>	<b>49,776,955</b>	<b>4,350,650</b>	<b>16,582,278</b>	<b>1,097,357</b>	<b>71,807,140</b>	<b>42,579,096</b>
On passage and approval of House Bill No. 106, the general fund appropriation for item 1 must be reduced by \$179,169 in fiscal 1994 and by \$179,168 in fiscal 1995 and state special revenue must be increased by a like amount.						
The budget modification for increased certification denial/revocation hearings in item 1c is contingent on passage and approval of House Bill No. 106.						
The office of public instruction may use up to 1% from the appropriation provided in item 2a to provide the matching funds necessary for Medicaid reimbursements paid for Medicaid-eligible services provided by public school districts.						
The office of public instruction may transfer up to 1% from the appropriation provided in item 2a to the department of family services (DFS) to provide the matching funds necessary for Medicaid reimbursements paid for education costs of children with disabilities placed out of state by a state agency or court of competent jurisdiction.						
The appropriation in item 2b is for unforeseen expenses that may arise in special education programs in local districts. The office of public instruction may transfer any unused balance in this appropriation into the special education appropriation in item 2a.						
The office of public instruction may distribute up to \$200,000 from the appropriation in item 2p to public school districts for the purpose of providing education costs in day-treatment services.						
All revenue received in the state traffic education account under the provisions of 20-7-504 is appropriated as provided in Title 20, chapter 7, part 5.						
Items 2a and 2t are contingent upon passage and approval of House Bill No. 667, which transfers \$1,600,000 from the state traffic safety education account to the general fund during the 1995 biennium.						
BOARD OF PUBLIC EDUCATION (S101)						
1. Administration (01)	110,949	9,550		110,031	9,550	
a. Legislative Audit (Restricted/Biennial)						
2. Advisory Council (03)	1,219			1,219		
a. Legislative Audit (Restricted/Biennial)						
3. Personal Services Reduction Efficiencies	4,068	3,036		7,104	3,043	
<b>Total</b>	<b>108,100</b>	<b>85,070</b>	<b>105,968</b>	<b>193,170</b>	<b>82,934</b>	<b>188,902</b>
SCHOOL FOR THE DEAF AND BLIND (S113)						
1. Administration Program (01)	222,974			222,974		
a. Legislative Audit (Restricted/Biennial)						
2. General Services Program (02)	26,016			26,016		
3. Student Services (03)	293,902			293,902		
875,115 Student Services (03)						
875,115 Education (04)						
1,099,737 Education (04)						
a. Copier						
5. Personal Services Reduction Efficiencies	101,595	20,605		122,200		
2,416,149	435,192	102,092		2,953,433	442,670	102,062
<b>Total</b>	<b>2,416,149</b>	<b>435,192</b>	<b>102,092</b>	<b>2,953,433</b>	<b>442,670</b>	<b>102,062</b>

2,947,732



	Fiscal 1994	Fiscal 1995
	State Special Revenue	State Special Revenue
	General Fund	General Fund
	Proprietary	Proprietary
	Other	Other
Total	Total	Total
All revenue received from the rental use of the MSDB facilities must be deposited into a state special revenue account. All revenue deposited into this account is appropriated for use by MSDB.		
is appropriated for use by MSDB.		
general obligation bonds sold to fund energy improvements through the state building energy conservation program.		
MONTANA COUNCIL ON VOCATIONAL EDUCATION (5116)		
1. Administration Program (01)	161,680	165,781
a. Legislative Audit (Restricted/Biennial)	3,577	
2. Personal Services Reduction Efficiencies	4,674	4,679
Total	160,583	161,102
COMMISSIONER OF HIGHER EDUCATION (5102)		
1. Administration Program (01)	964,845	969,776
a. Legislative Audit (Restricted/Biennial)	22,764	
2. Student Assistance Program (02) (Restricted)	5,368,717	305,000
3. Dwight D. Eisenhower Mathematics and Science Education Act (03)	296,803	296,806
4. Community College Assistance (04)	4,232,022	4,202,132
5. Montana University System Group Insurance Program (05)	17,976,875	19,844,204
6. Talent Search (06)	290,420	291,266
a. Talent Search	119,014	158,184
7. Carl D. Perkins Administration (08)	5,190,462	5,101,876
8. Guaranteed Student Loan Program (12)	1,883,696	1,888,642
a. Guaranteed Student Loan 1	722,567	797,436
b. Guaranteed Student Loan 2	766,996	767,080
9. Board of Regents -- Administration (13)	33,521	34,024
10. Board of Regents Bond Payments (14)	216,995	111,483
11. Vocational-Technical Center Administration (15)	100,263	100,517
12. Personal Services Reduction Efficiencies	130,835	85,450
42,990	82,025	5,840
13. Personal Services Contingencies (Restricted/Biennial)	16,405	17,090
4,299	1,164	1,168
Total	21,868	22,544

		Fiscal 1994			Fiscal 1995		
		General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
Total		10,679,729	9,425,045	17,972,219	38,076,993	10,518,550	9,537,930 19,839,532 39,896,012
It is the intent of the 53rd legislature that no funds be transferred in fiscal 1994 or fiscal 1995 from the student assistance program to any other program within the office of the commissioner of higher education.							
Any indirect cost reimbursements received in excess of \$20,885 in fiscal 1994 and \$20,885 in fiscal 1995 as a result of an increase in the federal talent search grant must cause a general fund revision of a like amount.							
If House Bill No. 5 is not passed and approved in a form that results in the issuance of general obligation bonds for prepayment of the remaining payment obligations for the Butte vocational-technical center, the general fund appropriation in item 10 is increased by \$465,115 in fiscal 1994 and by \$467,275 in fiscal 1995.							
In the event that bond payments on the Butte, Great Falls, and/or Billings vocational-technical centers are less than the amounts shown in item 10 in either year of the 1995 biennium, the difference between the appropriated amount and actual payments reverts to the general fund.							
The general fund appropriation for each community college includes 49% of the total unrestricted budgets for the community colleges in fiscal 1994 and fiscal 1995. The total unrestricted budgets for the community colleges must be approved by the board of regents.							
The general fund appropriation for each community college provides 49% of the total audit cost. The remaining 51% of these costs are to be paid from funds other than those appropriated in item 4. Audit costs for the biennium may not exceed \$18,000 each for Dawson and Miles community colleges and \$25,000 for Flathead Valley community college.							
BILLINGS VOCATIONAL-TECHNICAL CENTER (3511)							
1.	1,189,169	327,741	469,315	1,985,225	1,194,378	333,717	469,315 1,997,410
a.	26,341			26,341			
Total		1,214,510	327,741	2,011,566	1,194,378	333,717	469,315 1,997,410
Total audit costs are estimated to be \$29,268 for the biennium. Ten percent of these costs must be paid from funds other than those appropriated in items 1 and 1a.							
State special appropriations are revenue generated under the provisions of 20-16-202, which requires each county in which a vocational-technical center is located to levy an annual tax of 1.5 mills on all taxable property within the county. Any collections from this source that exceed these amounts must cause a general fund revision of a like amount.							
BUTTE VOCATIONAL-TECHNICAL CENTER (3512)							
1.	1,239,674	81,383	346,566	1,667,623	1,243,160	82,733	346,566 1,672,459
a.	32,195			32,195			
Total		1,271,869	81,383	1,699,818	1,243,160	82,733	346,566 1,672,459
Total audit costs are estimated to be \$35,772 for the biennium. Ten percent of these costs must be paid from funds other than those appropriated in items 1 and 1a.							
State special appropriations are generated under the provisions of 20-16-202, which requires each county in which a vocational-technical center is located to levy an annual tax of 1.5 mills on all taxable property within the county. Any collections from this source that exceed these amounts must cause a general fund revision of a like amount.							
GREAT FALLS VOCATIONAL-TECHNICAL CENTER (3513)							
1.	1,669,390	156,776	684,163	2,510,329	1,675,801	159,538	684,163 2,539,502
a.	29,268			29,268			
Total		1,698,658	156,776	2,539,597	1,675,801	159,538	684,163 2,539,502

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	Fiscal 1994				Fiscal 1995			
	General Fund	State Revenue	Federal Special Revenue	Proprietary	General Fund	State Revenue	Federal Special Revenue	Proprietary
1,698,658	156,776				1,675,801	159,538		
and la.	Total audit costs are estimated to be \$32,520 for the biennium. Ten percent of these costs must be paid from funds other than those appropriated in items 1 and la.						684,163	2,519,502
	State special appropriations are revenue generated under the provisions of 20-16-202, which requires each county in which a vocational-technical center is located to levy an annual tax of 1.5 mills on all taxable property within the county. Any collections from this source that exceed these amounts must cause a general fund reversion of a like amount.							
	HELENA VOCATIONAL-TECHNICAL CENTER (3514)							
1.	Combined Operations (01.07.44)							
1.	1,890,735	114,499			1,897,449	116,514		
a.	Legislative Audit (Restricted/Biennial)						606,615	2,620,578
32,195					32,195			
Total								
1,922,930	114,499				1,897,449	116,514	606,615	2,620,578
and la.	Total audit costs are estimated to be \$35,772 for the biennium. Ten percent of these costs must be paid from funds other than those appropriated in items 1 and la.							
	State special appropriations are revenue generated under the provisions of 20-16-202, which requires each county in which a vocational-technical center is located to levy an annual tax of 1.5 mills on all taxable property within the county. Any collections from this source that exceed these amounts must cause a general fund reversion of a like amount.							
	MISSOULA VOCATIONAL-TECHNICAL CENTER (3515)							
1.	Combined Operations (01.07.44)							
1.	2,003,764	211,601			2,006,884	215,498	620,064	2,842,446
a.	Legislative Audit (Restricted/Biennial)							
26,341					26,341			
Total								
2,030,105	211,601				2,061,770	215,498	620,064	2,842,446
and la.	Total audit costs are estimated to be \$29,268 for the biennium. Ten percent of these costs must be paid from funds other than those appropriated in items 1 and la.							
	State special appropriations are revenue generated under the provisions of 20-16-202, which requires each county in which a vocational-technical center is located to levy an annual tax of 1.5 mills on all taxable property within the county. Any collections from this source that exceed these amounts must cause a general fund reversion of a like amount.							
	It is the intent of the legislature that the board of regents have additional appropriation flexibility to operate the vocational-technical centers during the 1995 biennium. Therefore, the legislature has approved for each vocational-technical center a single appropriation for its general operations. The appropriation for each postsecondary vocational-technical center listed above is for the following programs: instruction, academic support, student services, institutional support, and operation. It is further the intent of the legislature that all fiscal matters pertaining to the postsecondary vocational-technical centers during the 1995 biennium and the 1997 biennium budget request be recorded, maintained, and submitted using the college and university business administration (CUBA) fund structure and functional expenditure classifications.							
	The administration of the vocational-technical centers must be merged with the administration of the university unit nearest to it: Billings vocational-technical center with eastern Montana college; Butte vocational-technical center with Montana college of mineral science and technology; Great Falls vocational-technical center with Montana college; and Missoula vocational-technical center with the university of Montana.							
	UNIVERSITY OF MONTANA (5103)							
1.	Combined Operations (01, 02, 03, 07, 08, and 44)							
25,244,156	4,495,027				25,342,171	4,512,622	22,052,811	51,907,604
a.	Legislative Audit (Restricted/Biennial)							
61,789					61,789			
Total								

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	Fiscal 1994			Fiscal 1995		
	General Fund	State Special Revenue	Proprietary	General Fund	State Special Revenue	Proprietary
25,305,945	4,495,207			22,052,811	4,512,622	
Total audit costs are estimated to be \$123,577 for the biennium. Fifty percent of these costs must be paid from funds other than those appropriated in items 1 and 1a.				25,342,171		22,052,811
Item 1 contains \$68,255 in fiscal 1994 and \$260,865 in fiscal 1995 that must be transferred to the energy conservation program account and used to retire the general obligation bonds sold to fund energy improvements through the state building energy conservation program.						51,907,604
MONTANA STATE UNIVERSITY (5104)						
1. Combined Operations (01, 02, 03, 07, 08, and 44)	30,920,426	4,499,293	19,922,177	31,075,236	4,516,905	19,922,177
a. Legislative Audit (Restricted/Biennial)	65,041		65,041			55,514,318
Total	30,985,467	4,499,293	19,922,177	55,406,937	4,516,905	19,922,177
Total audit costs are estimated to be \$130,081 for the biennium. Fifty percent of these costs must be paid from funds other than those appropriated in items 1 and 1a.				31,075,236		55,514,318
Item 1 includes \$39,978 in fiscal 1994 and \$39,979 in fiscal 1995 that must be used to pay rent to the Montana deaconess medical center in Great Falls for space used by the NSU school of nursing.						
MONTANA COLLEGE OF MINERAL SCIENCE AND TECHNOLOGY (5105)						
1. Combined Operations (01, 02, 07, 08, and 44)	7,163,802	780,775	3,142,449	11,087,026	783,831	3,142,449
a. Legislative Audit (Restricted/Biennial)	49,512		49,512			11,142,016
Bureau of Mines -- Independent Operations (11)	1,303,362		1,347,362	1,291,542		44,000
a. Ground Water Assessment (Restricted)	666,000		666,000		666,000	1,335,542
Total	8,516,676	1,446,775	3,186,449	13,149,900	1,449,831	3,186,449
Total audit costs are estimated to be \$66,016 for the biennium. Twenty-five percent of these costs must be paid from funds other than those appropriated in items 1, 1a, and 2a.				9,507,278		13,143,558
Item 2a is for ground water activities in accordance with Title 85, chapter 2, part 9, and equals the total anticipated deposits to the fund each year. The bureau of mines may not exceed funds in any year from this appropriation over the amount deposited to the account.						
EASTERN MONTANA COLLEGE (5106)						
1. Combined Operations (01, 03, 07, 08, and 44)	9,618,695	1,488,071	5,179,754	16,286,520	1,493,896	5,179,754
a. Legislative Audit (Restricted/Biennial)	60,488		60,488			16,341,724
Total	9,679,183	1,488,071	5,179,754	16,347,008	1,493,896	5,179,754
Total audit costs are estimated to be \$80,650 for the biennium. Twenty-five percent of these costs must be paid from funds other than those appropriated in items 1 and 1a.				9,668,074		16,341,724
Item 1 contains \$3,628 in fiscal 1994 and \$17,989 in fiscal 1995 that must be transferred to the energy conservation program account and used to retire the general obligation bonds sold to fund energy improvements through the state building energy conservation program.						
NORTHERN MONTANA COLLEGE (5107)						
1. Combined Operations (01, 07, 08, and 44)	5,407,068	793,101	2,650,914	5,425,267	796,205	2,650,914
a. Legislative Audit (Restricted/Biennial)						8,872,386



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Total	793,101	2,650,914	8,896,957	796,205	2,650,914	8,872,386
Total audit costs are estimated to be \$61,138 for the biennium. Twenty five percent of these costs must be paid from funds other than those appropriated in items 1 and 1a.						
Item 1 contains \$38,335 in fiscal 1994 and \$38,335 in fiscal 1995 that must be transferred to the energy conservation program account and used to retire the general obligation bonds sold to fund energy improvements through the state Building energy conservation program.						
WESTERN MONTANA COLLEGE OF THE UNIVERSITY OF MONTANA (5108)						
1. 3,232,223	461,733	1,522,544	5,216,500	463,541	1,522,544	5,246,470
a. Legislative Audit (Restricted/Biennium)						
50,732			50,732			
Total	461,733	1,522,544	5,267,232	463,541	1,522,544	5,246,470
3,282,955	Total audit costs are estimated to be \$67,642 for the biennium. Twenty five percent of these costs must be paid from funds other than those appropriated in items 1 and 1a.					
It is the intent of the legislature that the board of regents have additional appropriation flexibility to operate the six university system units and the vocational-technical centers during the 1995 biennium. Therefore, the legislature has approved for each university system unit a single appropriation for its general operations. The appropriations for each postsecondary university system unit listed above is for the following programs, as appropriate: instruction, academic support, student services, institutional support, operation and maintenance of plant, scholarships and fellowships, research, and public service.						
The board of regents may transfer appropriations between fiscal years within each fund type. The transfer may not exceed 10% of the unit appropriation. Upon approval of a transfer, the board of regents shall inform the legislative fiscal analyst and the office of budget and program planning of the transfer and the justification for the transfer. Funds may not be transferred among units of the university system.						
It is further the intent of the legislature that all fiscal matters pertaining to the university system units during the 1995 biennium and the 1997 biennium budget requests be recorded, maintained, and submitted using the college and university business administration (CUBA) fund structure and functional expenditure classifications.						
Included within state special revenue to the six university system units is the sum of \$12,518,000 in fiscal 1994 and \$12,567,000 in fiscal 1995 from revenue generated under the provisions of 20-25-423. The department of revenue shall levy the full 6 mills as authorized in 20-25-423. Revenue received by the university system under the provisions of 20-25-423 that exceeds \$12,518,000 in fiscal 1994 and \$12,567,000 in fiscal 1995 is appropriated to the office of the commissioner of higher education for distribution to the university system and must cause a general fund revision of a like amount.						
Tuition revenue (included within the "other" column) to each of the six university system units includes anticipated revenue based upon the following:						
(1) fiscal 1993 student enrollment;						
(2) fiscal 1993 mix of resident and nonresident enrollment;						
(3) nonresident summer tuition at a rate commensurate with the remainder of the academic year;						
(4) graduate student tuition costs at 150% of undergraduate tuition costs;						
(5) resident and western undergraduate exchange (WUE) incidental fees at 102% of fiscal 1993 fees; and						
(6) nonresident incidental fees at 100% of the fiscal 1994 per-student educational cost.						
Total revenue received from resident, nonresident, and WUE incidental fees that exceeds the following amounts at each of the six university system units in each fiscal year is appropriated to the office of the commissioner of higher education for distribution by the board of regents to the six university system units and must result in a general fund revision of a like amount, in accordance with 17-2-108(2).						
Unit	Resident	Nonres/WUE	Resident	Nonres/WUE	Resident	Nonres/WUE
MSU	\$11,586,218	\$6,921,701	\$11,586,218	\$6,921,701	\$11,586,218	\$6,921,701
UNW	11,835,131	8,520,039	11,835,131	8,520,039	11,835,131	8,520,039
UNC	4,196,250	255,185	4,196,250	255,185	4,196,250	255,185
NWC	2,148,880	259,785	2,148,880	259,785	2,148,880	259,785
NWCM	1,187,795	196,057	1,187,795	196,057	1,187,795	196,057
NWCMST	2,096,036	804,749	2,096,036	804,749	2,096,036	804,749

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AGRICULTURAL EXPERIMENT STATION (5109)										
1. 7,127,647		Organized Research (02)			2,300,013	9,427,660	7,164,480		2,300,013	9,464,493
2.		United States Range Station (15)			448,721	448,721			450,935	450,935
Total										
7,127,647					2,748,734	9,876,381	7,164,480		2,750,948	9,915,428
MONTANA EXTENSION SERVICE (5110)										
1. 2,786,119		Public Service (03)			2,161,652	4,947,771	2,788,897		2,161,652	4,950,549
Total										
2,786,119					2,161,652	4,947,771	2,788,897		2,161,652	4,950,549
FORESTRY AND CONSERVATION EXPERIMENT STATION (5111)										
1. 702,762		Research (02)				702,762	702,782			702,782
Total										
702,762						702,762	702,782			702,782
FIRE SERVICES TRAINING SCHOOL (5119)										
1. 248,214		Public Service (03)				248,214	230,853			230,853
a.		Legislative Audit (Restricted/Biennial)				3,252				
3,252										
Total										
251,466						251,466	230,853			230,853
The fire services training school must be provided office, classroom, and storage space in the Great Falls vocational-technical center at no charge.										
TOTAL SECTION E										
165,210,067		18,946,912	26,269,998	19,069,576	62,151,758	291,648,311	157,789,709	19,051,296	20,923,644	62,153,972
										274,338,477
TOTAL STATE FUNDING										
475,583,513		339,704,547	706,718,142	275,807,961	64,450,603	1,862,264,766	475,550,526	329,368,254	702,304,345	63,990,129
										1,862,202,774

And, as amended, do pass. Report adopted.

LABOR AND EMPLOYMENT RELATIONS (T. Nelson, Chairman): 3/12/93  
**SB 256**, third reading copy, be amended as follows:

1. Title, line 8.

Following: "NONRESIDENTS,"

Insert: "REQUIRING OUT-OF-STATE EMPLOYERS ENGAGED IN THE  
CONSTRUCTION INDUSTRY TO OBTAIN WORKERS'  
COMPENSATION COVERAGE FOR THEIR OUT-OF-STATE  
EMPLOYEES UNDER THE PROVISIONS OF MONTANA LAW;"

Following: "39-71-117"

Strike: "AND"

Insert: ", "

2. Title, line 9.

Following: "39-71-118,"

Insert: "AND 39-71-402,"

Following: "AN"

Insert: "IMMEDIATE"

3. Page 8, line 3.

Strike: "or"

Insert: "(c) a nonresident employee of an employer from another state  
engaged in the construction industry, as defined in 39-71-116,  
within this state; or"

Renumber: subsequent subsection

4. Page 8, lines 19 and 20.

Strike: "(6)(C)"

Insert: "(6)(d)"

5. Page 8, line 21.

Following: line 20

Insert: "Section 3. Section 39-71-402, MCA, is amended to read:

"39-71-402. Extraterritorial application and reciprocity --  
exception. (1) If a worker employed in this state who is subject to  
the provisions of this chapter temporarily leaves the state  
incidental to that employment and receives an injury arising out of  
and in the course of ~~such~~ employment, the provisions of this  
chapter ~~shall~~ apply to ~~such~~ the worker as though he the worker  
were injured within this state.

(2) If Except as provided in subsection (5), if a worker from  
another state and ~~his~~ the worker's employer from another state are  
temporarily engaged in work within this state, this chapter ~~shall~~  
does not apply to them:

(a) if the employer and employee are bound by the  
provisions of the workers' compensation law or similar law of ~~such~~  
the other state ~~which~~ that applies to them while they are in the  
state of Montana; and

(b) if the Workers' Compensation Act of this state is  
recognized and given effect as the exclusive remedy for workers

employed in this state who are injured while temporarily employed in ~~such~~ the other state.

(3) A certificate from an authorized officer of the workers' compensation department or similar agency of another state certifying that an employer of ~~such~~ the other state is bound by the Workers' Compensation Act of the state and that its act will be applied to employees of the employer while in the state of Montana ~~shall be~~ is prima facie evidence of the application of the workers' compensation law of the certifying state.

(4) The department may, with the approval of the governor, enter into agreements with workers' compensation agencies of other states for the purpose of promulgating regulations not inconsistent with the provisions of this chapter to carry out the extraterritorial application of the workers' compensation laws of the agreeing states.

(5) ~~The provisions of this section do not apply to the construction industry as defined in 39-71-116. Employers from another state that are engaged in the construction industry, as defined in 39-71-116, and that employ workers from another state shall obtain coverage for those workers under the provisions of this chapter."~~

Renumber: subsequent sections

6. Page 9, line 2.

Following: line 1

Insert: "NEW SECTION. Section 5. Saving clause. [This act] does not affect rights and duties that matured, penalties that were incurred, or proceedings that were begun before [the effective date of this act]."

Renumber: subsequent section

7. Page 9, line 3.

Strike: "JULY 1, 1993"

Insert: "on passage and approval"

And, as amended, be concurred in. Report adopted.

**SB 329**, third reading copy, be amended as follows:

1. Page 2, line 24.

Page 6, line 2.

Following: "hospital."

Insert: "except for a project that will be owned and operated by a nonprofit corporation, as described in section 501(c)(3) of the Internal Revenue Code, other than a hospital,"

2. Page 8, line 5.

Following: "contributions"

Insert: "that meet the requirements of the Employee Retirement Income Security Act of 1974"

3. Page 8, line 22.

Following: "or"



Insert: "unless the project will be owned and operated by a nonprofit corporation, as described in section 501(c)(3) of the Internal Revenue Code, other than a hospital, or"

4. Page 10, line 11.

Following: "corporation"

Insert: ", as described in section 501(3)(c) of the Internal Revenue Code,"

Following: "hospital"

Insert: ", "

5. Page 12, line 2.

Following: "~~the~~"

Strike: "~~THE~~"

Insert: "Except for a project that will be owned and operated by a nonprofit corporation, as described in section 501(3)(c) of the Internal Revenue Code, other than a hospital, the"

And, as amended, be concurred in. Report adopted.

**SB 91**, third reading copy, be amended as follows:

1. Title, line 6.

Strike: "DISABILITY AND REHABILITATION COMPENSATION"

2. Page 6, line 20.

Following: "INJURY"

Insert: "received while participating in a prerelease center program or a diversionary program"

And, as amended, be concurred in. Report adopted.

**SB 223**, third reading copy, be amended as follows:

1. Page 8, line 3.

Strike: "power-driven hoisting apparatus"

Insert: "freight elevator"

2. Page 8, line 5.

Following: "1938"

Insert: ", or other power-driven hoisting apparatus"

3. Page 8, line 9.

Following: "meatpacking,"

Insert: "meat"

And, as amended, be concurred in. Report adopted.

**SB 381**, third reading copy, be amended as follows:

1. Page 1, line 24.

Following: line 23

Insert: "up to"

2. Page 1, line 25.

Strike: "UP TO"

3. Page 2, line 1.

Following: "greater."

Insert: "In determining the amount for the calculation of the penalty under this subsection (a), the department shall make an assessment on how much premium would have been paid on the employer's past 3-year payroll for periods within the 3 years when the employer was underinsured."

4. Page 2, line 3.

Following: "VIOLATION"

Strike: "1" through "EMPLOYER,"

5. Page 2, line 9.

Following: line 8

Insert: "(c) The fund must receive from an underinsured employer an amount equal to all benefits paid or to be paid from the fund to an injured employee of the underinsured employer. However, the uninsured employer's liability under this subsection (c) may not exceed \$50,000."

And, as amended, be concurred in. Report adopted.

**SB 342**, third reading copy, be amended as follows:

1. Title, lines 6 through 9.

Following: "CONTRACTS;" on line 6

Strike: the remainder of line 6 through "OFFICER;" on line 9

2. Title, line 9.

Strike: "SECTIONS" through "18-2-403,"

Insert: "SECTION"

3. Title, line 10.

Following: line 9

Strike: "18-2-411" through "18-2-432,"

4. Title, line 12.

Following: the first "DATE"

Strike: "AND" through the second "DATE"

5. Page 2, line 7.

Following: "contributions"

Insert: "that meet the requirements of the Employee Retirement Income Security Act of 1974"

Strike: "and"

Insert: "or"

6. Page 2, line 14.

Strike: "other"

7. Page 2, line 15.

Following: "programs"

Insert: "that meet the requirements of the Employee Retirement Income Security Act of 1974 or that are"

8. Page 2, line 20 through page 7, line 15.

Strike: subsections (4) and (5) and sections 2 and 3 in their entirety

Renumber: subsequent sections

9. Page 8, lines 16 and 17.

Following: "underpaid" on line 16

Strike: the remainder of line 16 through " " on line 17

10. Page 8, line 20.

Following: "2"

Insert: ", except that appeal of the hearing officer's decision is made directly to district court rather than to the board of personnel appeals"

11. Page 8, line 21 through page 11, line 23.

Strike: sections 5 through 9 in their entirety

Renumber: subsequent sections

12. Page 12, line 2.

Strike: "[Sections 1 and 9] are"

Insert: "[Section 1] is"

13. Page 12, line 5.

Strike: "sections"

Insert: "section"

Strike: "and 9"

14. Page 12, lines 6 through 8.

Strike: section 12 in its entirety

Renumber: subsequent section

And, as amended, be concurred in. Report adopted.

### MESSAGES FROM THE SENATE

House bills concurred in and returned to the House:

3/15/93

**HB 82**, introduced by Wiseman

**HB 129**, introduced by Wanzenried

**HB 309**, introduced by Kasten

**HB 373**, introduced by Kadas

**HB 534**, introduced by Cocchiarella

**HB 634**, introduced by Elliott

House bills concurred in as amended and returned to the House for concurrence in Senate amendments:

3/15/93

**HB 241**, introduced by Strizich

**HJR 13**, introduced by Barnhart

**HJR 17**, introduced by Smith

Senate bill passed and transmitted to the House for concurrence:

3/15/93

**SB 402**, introduced by Towe

### **MOTIONS**

Representative Grinde moved HB 46 be placed below HB 467 on the second reading board. Motion carried.

### **SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)**

Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Wiseman in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 505** - Representative Cocchiarella moved HB 505 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Barnhart, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Grady, Grimes, Grinde, Hansen, H.S. Hanson, Harper, Harrington, Hibbard, J. Johnson, R. Johnson, Kadas, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Pavlovich, Peck, Quilici, Raney, Ream, J. Rice, S. Rice, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Smith, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tuss, Vogel, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 78

Noes: Barnett, Benedict, Bergman, Clark, Feland, Gilbert, M. Hanson, Hayne, Herron, Kasten, Keller, Orr, Peterson, Rehbein, Rose, Simpkins, Spring, Tunby, Wagner, Wallin.  
Total 20

Excused: Wanzenried.  
Total 1

Absent or not voting: Bardanoue.  
Total 1

**HB 592** - Representative Grinde moved consideration of HB 592 be placed at the top of the second reading board. Motion carried.

Representative Grimes moved HB 592 do pass. Motion carried as follows:



Ayes: Bardanouve, Barnett, Barnhart, Bergman, Bird, Bohlinger, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, Dolezal, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Foster, Gervais, Gilbert, Grimes, Hansen, Harper, Harrington, Hibbard, J. Johnson, Kadas, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, T. Nelson, Pavlovich, Peterson, Raney, Ream, J. Rice, S. Rice, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Squires, Stanford, Stovall, Strizich, Swanson, Toole, Tunby, Tuss, Vogel, Wallin, Whalen, Winslow, Wyatt, Zook, Mr. Speaker.

Total 69

Noes: Anderson, Bachini, Benedict, Bergsagel, Boharski, Brandewie, Cobb, DeBruycker, Dowell, Feland, Fisher, Galvin, Grady, Grinde, H.S. Hanson, M. Hanson, Hayne, Herron, R. Johnson, Kasten, L. Nelson, Orr, Peck, Quilici, Rehbein, Rose, Spring, Tash, Wagner, Wanzenried, Wiseman.

Total 31

Voted Absentee: Wanzenried, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 467** - Representative Fagg moved HB 467 do pass.

Representative Gilbert made a substitute motion HB 467 be passed for the day. Motion carried. (54-44)

Representative Grinde moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman Wiseman moved the adoption of the committee report. Report adopted. (67-28)

### THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 19** passed as follows:

Ayes: Anderson, Bardanouve, Barnhart, Bergman, Bird, Boharski, Bohlinger, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Grady, Grimes, Grinde, M. Hanson, Harrington, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Mason, McCarthy, McCulloch, Menahan, Mills, Orr, Pavlovich, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Vogel, Wagner, Wallin, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 78

Noes: Bachini, Barnett, Bergsagel, Brandewie, DeBruycker, Driscoll, Feland, Gilbert, Hansen, H.S. Hanson, Harper, Hayne, Larson, McCaffree, Molnar, L. Nelson, T. Nelson, Peck, Tuss, Wanzenried.  
Total 20

Voted Absentee: Wanzenried, No.

Excused: None.  
Total 0

Absent or not voting: Benedict, Kasten.  
Total 2

**HB 474** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 97

Noes: Bergsagel.  
Total 1

Voted Absentee: Wanzenried, Aye.

Excused: None.  
Total 0

Absent or not voting: Cocchiarella, Stovall.  
Total 2

**HB 500** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Clark, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Driscoll, Elliott, Ellis, Endy, Fagg, Feland, Fisher, Foster, Galvin, Gilbert, Grady, Grimes, Hansen, H.S. Hanson, M. Hanson, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Rehbein, J. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 88

Noes: Brooke, Brown, Cobb, Dowell, Ewer, Gervais, Harper, Ream, S. Rice, Whalen.

Total 10

Voted Absentee: Wanzenried, Aye.

Excused: None.

Total 0

Absent or not voting: Grinde, Larson.

Total 2

**HB 588** passed as follows:

Ayes: Bardanouve, Barnett, Barnhart, Bergman, Bird, Bohlinger, Brandewie, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, Dolezal, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Galvin, Gervais, Hansen, H.S. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, L. Nelson, Pavlovich, Peterson, Quilici, Raney, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Wanzenried, Whalen, Wiseman, Wyatt.

Total 71

Noes: Anderson, Bachini, Benedict, Bergsagel, Boharski, Cobb, DeBruycker, Dowell, Feland, Foster, Gilbert, Grady, Grimes, Grinde, M. Hanson, Kasten, Molnar, T. Nelson, Orr, Peck, Ream, Simon, Simpkins, Vogel, Wagner, Wallin, Winslow, Zook, Mr. Speaker.

Total 29

Voted Absentee: Wanzenried, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 632** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires,

Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 99

Noes: None.  
Total 0

Voted Absentee: Wanzenried, Aye.

Excused: None.  
Total 0

Absent or not voting: Mason.  
Total 1

**HB 646** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook.  
Total 97

Noes: Bergsagel, Gilbert.  
Total 2

Voted Absentee: Wanzenried, Aye.

Excused: None.  
Total 0

Absent or not voting: Mr. Speaker.  
Total 1

**HB 658** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck,



Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 97

Noes: Gilbert, Simpkins.  
Total 2

Voted Absentee: Wanzenried, Aye.

Excused: None.  
Total 0

Absent or not voting: Clark.  
Total 1

**SB 46** concurred in as follows:

Ayes: Anderson, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Clark, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Pavlovich, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 92

Noes: Bachini, Cobb, DeBruycker, Feland, Orr, Peck, Wagner.  
Total 7

Voted Absentee: Wanzenried, Aye.

Excused: None.  
Total 0

Absent or not voting: Brown.  
Total 1

**SB 63** concurred in as follows:

Ayes: Anderson, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCarthy, McCulloch, Menahan, Mills, Molnar, T. Nelson, Orr,

Pavlovich, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 90

Noes: Bachini, Bergsagel, Clark, Feland, McCaffree, L. Nelson, Peck, Rehbein, Smith, Spring.  
Total 10

Voted Absentee: Wanzenried, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 120** concurred in as follows:

Ayes: Anderson, Bachini, Bardanoue, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 98

Noes: Bergsagel, Spring.  
Total 2

Voted Absentee: Wanzenried, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 168** concurred in as follows:

Ayes: Anderson, Bachini, Bardanoue, Barnett, Barnhart, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Ellis, Endy, Fagg, Fisher, Foster, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R.

Johnson, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Whalen, Winslow, Wiseman, Zook, Mr. Speaker.  
Total 88

Noes: Benedict, Brooke, Dowell, Driscoll, Elliott, Ewer, Feland, Galvin, Kadas, Raney, Wanzenried, Wyatt.  
Total 12

Voted Absentee: Wanzenried, No.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 192** concurred in as follows:

Ayes: Anderson, Barnett, Barnhart, Bergman, Bird, Bohlinger, Brandewie, Brooke, Brown, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Grady, Grimes, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, Orr, Pavlovich, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Russell, Ryan, Sayles, Simon, Simpkins, Smith, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Mr. Speaker.  
Total 77

Noes: Bachini, Bardanouve, Benedict, Bergsagel, Boharski, Clark, Cobb, DeBruycker, Ellis, Feland, Gilbert, Grinde, Hayne, Kasten, Larson, T. Nelson, Peck, Rose, Schwinden, Spring, Wagner, Zook.  
Total 22

Voted Absentee: Wanzenried, Aye.

Excused: None.  
Total 0

Absent or not voting: Schye.  
Total 1

**SB 199** concurred in as follows:

Ayes: Bardanouve, Barnhart, Bird, Bohlinger, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Galvin, Gervais, Grady, Grimes, Hansen, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, Kadas, Larson, McCarthy,

McCulloch, Menahan, Molnar, Pavlovich, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tuss, Vogel, Wallin, Wanzenried, Whalen, Wiseman, Wyatt, Mr. Speaker.

Total 66

Noes: Anderson, Bachini, Barnett, Benedict, Bergman, Bergsagel, Boharski, Brandewie, Cobb, DeBruycker, Feland, Foster, Gilbert, Grinde, H.S. Hanson, M. Hanson, R. Johnson, Kasten, Keller, Knox, Mason, McCaffree, Mills, L. Nelson, T. Nelson, Orr, Peck, Rehbein, Rose, Spring, Tunby, Wagner, Winslow, Zook.

Total 34

Voted Absentee: Wanzenried, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 214** concurred in as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Bohlinger, Brandewie, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 96

Noes: Boharski, Cobb, Peterson, Rehbein.

Total 4

Voted Absentee: Wanzenried, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 225** concurred in as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Bohlinger, Brandewie, Brooke, Brown, Clark,



Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Grady, Grimes, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 93

Noes: Boharski, DeBruycker, Feland, Gilbert, Grinde, Kasten, Wagner.

Total 7

Voted Absentee: Wanzenried, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 228** concurred in as follows:

Ayes: Bardanouve, Barnhart, Benedict, Bergman, Bergsagel, Bird, Bohlinger, Brooke, Brown, Clark, Cocchiarella, Daily, DeBruycker, Dolezal, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Galvin, Gervais, Gilbert, Grady, Hansen, H.S. Hanson, Harper, Harrington, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, T. Nelson, Pavlovich, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stovall, Strizich, Swanson, Toole, Tunby, Tuss, Vogel, Wallin, Whalen, Winslow, Wyatt, Zook, Mr. Speaker.

Total 77

Noes: Anderson, Bachini, Barnett, Boharski, Brandewie, Cobb, Davis, Dowell, Foster, Grimes, Grinde, M. Hanson, Hayne, Kasten, L. Nelson, Orr, Peck, Rehbein, Tash, Wagner, Wanzenried, Wiseman.

Total 22

Voted Absentee: Wanzenried, No.

Excused: None.

Total 0

Absent or not voting: Stanford.

Total 1

**SB 269** concurred in as follows:

Ayes: Anderson, Bachini, Bardanoue, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 100

Noes: None.

Total 0

Voted Absentee: Wanzenried, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 275** concurred in as follows:

Ayes: Bachini, Bardanoue, Barnhart, Benedict, Bergman, Boharski, Bohlinger, Brandewie, Brooke, Brown, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Grady, Grimes, Hansen, H.S. Hanson, Harper, Harrington, Hibbard, J. Johnson, R. Johnson, Kadas, Knox, Larson, Mason, McCarthy, McCulloch, Menahan, Molnar, T. Nelson, Pavlovich, Quilici, Raney, Ream, S. Rice, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Squires, Stanford, Stovall, Swanson, Tash, Toole, Tuss, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Mr. Speaker.

Total 69

Noes: Anderson, Barnett, Bergsagel, Bird, Clark, Cobb, DeBruycker, Feland, Gilbert, Grinde, M. Hanson, Hayne, Herron, Kasten, Keller, McCaffree, Mills, L. Nelson, Orr, Peck, Peterson, Rehbein, J. Rice, Rose, Smith, Spring, Tunby, Vogel, Wagner, Zook.

Total 30

Voted Absentee: Wanzenried, Aye.

Excused: None.

Total 0

Absent or not voting: Strizich.

Total 1

**SB 282** concurred in as follows:

Ayes: Anderson, Bachini, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wyatt, Zook, Mr. Speaker.

Total 96

Noes: Bardanouve, Harper, Kadas.

Total 3

Voted Absentee: Wanzenried, Aye.

Excused: None.

Total 0

Absent or not voting: Wiseman.

Total 1

**SB 284** concurred in as follows:

Ayes: Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Knox, Larson, Mason, McCarthy, McCulloch, Menahan, Mills, L. Nelson, T. Nelson, Pavlovich, Quilici, Raney, Ream, J. Rice, S. Rice, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Mr. Speaker.

Total 81

Noes: Anderson, Bergsagel, Cobb, DeBruycker, Feland, Grinde, Hayne, Kasten, Keller, McCaffree, Molnar, Orr, Peck, Peterson, Rehbein, Rose, Spring, Wagner, Zook.

Total 19

Voted Absentee: Wanzenried, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 319** concurred in as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Quilici, Raney, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Zook, Mr. Speaker.  
Total 94

Noes: Clark, Ewer, Harper, Ream, Wyatt.  
Total 5

Voted Absentee: Wanzenried, Aye.

Excused: None.  
Total 0

Absent or not voting: Peterson.  
Total 1

**SB 331** concurred in as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, T. Nelson, Orr, Pavlovich, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 95

Noes: DeBruycker, L. Nelson, Peck, Spring.  
Total 4

Voted Absentee: Wanzenried, Aye.

Excused: None.  
Total 0

Absent or not voting: Winslow.  
Total 1



**SB 350** concurred in as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Grady, Grimes, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Vogel, Wallin, Wanzenried, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 92

Noes: Cobb, Driscoll, Feland, Gilbert, Grinde, Wagner, Whalen.

Total 7

Voted Absentee: Wanzenried, Aye.

Excused: None.

Total 0

Absent or not voting: Tuss.

Total 1

**SB 361** concurred in as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Bohlinger, Brandewie, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Larson, McCaffree, McCarthy, McCulloch, Menahan, Mills, L. Nelson, T. Nelson, Orr, Pavlovich, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Russell, Ryan, Schwinden, Schye, Simon, Simpkins, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 84

Noes: Boharski, Cobb, DeBruycker, Feland, Galvin, H.S. Hanson, M. Hanson, Kasten, Mason, Molnar, Peck, Rehbein, Rose, Sayles, Smith, Spring.

Total 16

Voted Absentee: Wanzenried, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 383** concurred in as follows:

Ayes: Anderson, Bachini, Bardanoue, Barnett, Barnhart, Benedict, Bergman, Bird, Bohlinger, Brandewie, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Larson, Mason, McCarthy, McCulloch, Menahan, Mills, Molnar, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wallin, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 87

Noes: Bergsagel, Boharski, Cobb, DeBruycker, Feland, Galvin, Knox, McCaffree, L. Nelson, Ryan, Spring, Wagner.

Total 12

Excused: Wanzenried.

Total 1

Absent or not voting: None.

Total 0

**SB 385** concurred in as follows:

Ayes: Anderson, Bachini, Bardanoue, Barnett, Barnhart, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wallin, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 92

Noes: Benedict, Bergsagel, DeBruycker, Feland, Gilbert, Wagner.

Total 6

Excused: Wanzenried.

Total 1

Absent or not voting: McCarthy.

Total 1

**SB 393** concurred in as follows:

Ayes: Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Foster, Galvin, Gervais, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wallin, Whalen, Winslow, Wiseman, Wyatt, Mr. Speaker.

Total 88

Noes: Bergsagel, Cobb, Feland, Fisher, Gilbert, Hayne, Kasten, Orr, Wagner, Zook.

Total 10

Excused: Wanzenried.

Total 1

Absent or not voting: Anderson.

Total 1

**SB 407** concurred in as follows:

Ayes: Anderson, Bardanouve, Barnett, Barnhart, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Grady, Grimes, Hansen, H.S. Hanson, Harper, Harrington, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, Orr, Pavlovich, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wallin, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 81

Noes: Bachini, Benedict, Bergsagel, Clark, DeBruycker, Feland, Gilbert, Grinde, Hayne, Keller, Knox, L. Nelson, T. Nelson, Peck, Spring, Wagner.

Total 16

Excused: Wanzenried.

Total 1

Absent or not voting: Brown, M. Hanson.

Total 2

**SB 419** concurred in as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bird, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson,

Harper, Harrington, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Quilici, Raney, Ream, J. Rice, S. Rice, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 83

Noes: Boharski, DeBruycker, Dowell, Feland, Hayne, Herron, Kasten, Peterson, Rehbein, Rose, Spring, Wagner, Wallin.

Total 13

Excused: Wanzenried.

Total 1

Absent or not voting: Bergman, Bergsagel, Fisher.

Total 3

**SB 420** concurred in as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Bergman, Bird, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wallin, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 92

Noes: Bergsagel, Boharski, DeBruycker, Spring, Wagner.

Total 5

Excused: Wanzenried.

Total 1

Absent or not voting: Benedict, Ellis.

Total 2

**SJR 3** concurred in as follows:

Ayes: Anderson, Barnhart, Benedict, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Galvin, Gervais, Grady, Grimes, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hibbard, J. Johnson, Kadas, Knox, Larson, McCaffree, McCarthy, McCulloch, Menahan, Molnar, L. Nelson, Pavlovich, Quilici, Raney, Ream, J. Rice, S. Rice, Russell, Ryan, Schwinden, Schye, Simon, Simpkins, Smith, Squires,



Stanford, Strizich, Swanson, Toole, Tunby, Tuss, Wagner, Wallin, Whalen, Wyatt, Mr. Speaker.  
Total 67

Noes: Bachini, Bardanouve, Barnett, Bergman, Bergsagel, DeBruycker, Feland, Fisher, Foster, Grinde, Hayne, Herron, R. Johnson, Kasten, Keller, Mason, Mills, T. Nelson, Orr, Peck, Peterson, Rehbein, Rose, Sayles, Spring, Stovall, Tash, Vogel, Winslow, Wiseman, Zook.  
Total 31

Excused: Wanzenried.  
Total 1

Absent or not voting: Gilbert.  
Total 1

**SJR 14** concurred in as follows:

Ayes: Anderson, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, McCaffree, McCarthy, McCulloch, Menahan, Mills, L. Nelson, T. Nelson, Orr, Pavlovich, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Whalen, Winslow, Wyatt, Zook, Mr. Speaker.  
Total 86

Noes: Bachini, Bergsagel, DeBruycker, Dowell, Feland, Larson, Mason, Molnar, Peck, Rehbein.  
Total 10

Excused: Wanzenried.  
Total 1

Absent or not voting: Fisher, H.S. Hanson, Wiseman.  
Total 3

## REPORTS OF STANDING COMMITTEES

BILLS (Hayne, Chairman): 3/16/93  
Correctly enrolled: HB 150, HB 234, HB 251, HB 266, HB 404, HB 440, HB 465, HB 520, HB 521, HB 535.

APPROPRIATIONS (Zook, Chairman): 3/15/93  
**HB 3**, introduced bill, be amended as follows:

1. Title, line 7.  
Following: ";

Insert: "APPROPRIATING MONEY TO THE DEPARTMENT OF FAMILY SERVICES FOR FISCAL YEAR 1994;"

2. Page 1, line 11.

Strike: "The"

Insert: "Except as provided in [section 4], the"

3. Page 1, line 19.

Following: "Appropriations."

Insert: "(1)"

4. Page 1.

Strike: lines 22 and 23 in their entirety

Insert: "GOVERNOR'S OFFICE

Termination Pay-personal

staff	1993	\$71,046	General Fund
		11,180	Federal Special

Mental Disabilities Board of

Visitors	1993	27,000	General Fund"
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5. Page 2, following line 1.

Insert: "State Payroll-data

processing	1993	45,620	General Fund
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Judgments-personal

services	1993	61,250	General Fund
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Termination Pay-personal

staff	1993	34,672	General Fund
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Personal Services

Shortfall	1993	40,712	General Fund"
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6. Page 2, line 5.

Strike: "280,000"

Insert: "380,000"

7. Page 2, line 6.

Strike: "383,000"

Insert: "539,000"

8. Page 2, following line 11.

Insert: "DEPARTMENT OF ADMINISTRATION

Risk Mgt/Tort

Defense-legal costs	1993	450,000	Proprietary"
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9. Page 2, line 13.

Strike: "18,741,000"

Insert: "15,000,000"

10. Page 2, line 16.

Strike: "14,352"

Insert: "4,000"

11. Page 2, line 22.

Following: line 21

Insert: "Dislocated Worker Program	1993	500,000	State Special"
12. Page 2, line 25. Strike: "77,279" Insert: "365,779"			
13. Page 3. Strike: lines 4 and 5 in their entirety			
14. Page 3, following line 9. Insert: "Extend Legal Services Contract	1993	50,000	General Fund"
15. Page 3, following line 14. Insert: "Nursing Home Reimbursement	1993	981,257 2,829,589	General Fund Federal Funds
Federal Match-DFS youth psych benefits	1993	11,371,474	Federal Funds"
16. Page 3, line 22. Strike: "1,218,171" Insert: "2,218,171"			
17. Page 3, line 23. Strike: "1,437,411" Insert: "2,027,411"			
18. Page 3, line 24. Strike: "379,252" Insert: "2,590,252"			
19. Page 3. Strike: line 26 in its entirety Insert: "Enforcement Division-FLSA	1993	46,480	State Special"
20. Page 4, line 2. Strike: "1,303,097" Insert: "1,370,537"			
21. Page 4, line 7. Strike: "1,031,695" Insert: "1,948,152"			
22. Page 4, line 8. Strike: "2,538,543" Insert: "3,042,106"			
23. Page 4, line 10. Strike: "40,813" Insert: "35,164"			

24. Page 4, following line 10.

Insert: "	1993	5,649	State Special"
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25. Page 4.

Strike: lines 11 and 12 in their entirety

26. Page 4, line 15.

Strike: "52,400"

Insert: "26,200"

27. Page 4, following line 15.

Insert: "OFFICE OF PUBLIC INSTRUCTION

Legal Fees	1993	7,500	General Fund
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Yellowstone Treatment

Center	1993	258,626	General Fund
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BUTTE VOCATIONAL-TECHNICAL CENTER

Severence Pay	1993	22,637	General Fund
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MISSOULA VOCATIONAL-TECHNICAL CENTER

Severence Pay	1993	44,644	General Fund"
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28. Page 4.

Following: line 23

Insert: "(2) The appropriation in subsection (1) for the payout of accrued employee leave for the board of visitors is contingent upon the elimination of the mental disabilities board of visitors program."

29. Page 4, following line 23.

Insert: "NEW SECTION. Section 4. Appropriation for department of family services for fiscal year 1994. At the end of fiscal year 1993, any unexpended funds in the appropriations made to the department of family services for inpatient youth psychiatric services and residential youth psychiatric services are reappropriated for fiscal year 1994."

Renumber: subsequent section

And, as amended, do pass. Report adopted.

**HB 4**, introduced bill, be amended as follows:

1. Title, lines 9 and 10.

Strike: "PROVIDING" on line 9 through "1995;" on line 10

2. Page 2, line 6.

Following: line 5

Insert: "DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

(pass-through)	184,323	State Special
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Federal Transit Administration

Discretionary Grant	138,189	State Special
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322,422	Federal Special"
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3. Page 2, line 9.

Following: line 8

Insert: "D.A.R.E.	1993	3,800	State Special"
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4. Page 2, line 10.

Following: "enforcement"

Strike: "and"

Insert: ", "

5. Page 2, line 11.

Following: "education"

Insert: ", and missing children"

6. Page 2, line 15.

Following: line 14

Insert: "All remaining fiscal year 1993 federal special budget amendment authority for the literacy resource center and for the LSCA VI literacy program is authorized to continue to fiscal year 1994."

7. Page 2, line 17.

Following: line 16

Insert: "Video Telecom Upgrade 1993 235,109 Proprietary"

8. Page 2, line 23.

Following: line 22

Insert: "DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION  
Water Resources

Division	1993	580,000	State Special
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The unexpended fiscal year 1993 budget amendment authority for Broadwater power project escrow funds is authorized to continue for fiscal year 1994 in order to complete work related to construction defects.

Water Resources

Division	1993	2,000,000	State Special
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The unexpended fiscal year 1993 budget amendment authority for arbitration or settlement funds is authorized to continue for fiscal year 1994 to support activities pertinent to remedying construction defects of the Broadwater power project.

Energy Division	1993	9,000	State Special"
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9. Page 3, line 3.

Following: line 2

Insert: "MSP-Adult Basic Ed	1993	3,396	Federal Special
MSP-Chapter I	1993	4,365	Federal Special"

10. Page 3, line 3.

Following: line 2

Insert: "MONTANA ARTS COUNCIL

NEA Local/Tech Assist

to RAI	1993	45,449	Federal Special
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All remaining fiscal year 1993 federal special budget amendment authority for NEA local technical assistance is authorized to continue for fiscal year 1994.

NEA/Tribal College AIE	1993	9,710	Federal Special"
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11. Page 3, line 3.

Following: line 2

Insert: "MONTANA HISTORICAL SOCIETY

Spanish Creek Project	1993	75,000	State Special
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All remaining fiscal year 1993 state special budget amendment authority for the Spanish Creek project is authorized to continue for fiscal year 1994.

National Preservation

Grants	1993	175,220	Federal Special
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All remaining fiscal year 1993 federal special budget amendment authority for national preservation grants is authorized to continue for fiscal year 1994.

Photo Archives	1993	4,000	Proprietary
IMS Conservation	1993	25,000	Federal Special

All remaining fiscal year 1993 federal special budget amendment authority for IMS conservation is authorized to continue for fiscal year 1994."

12. Page 3, line 5.

Following: line 4

Insert: "DEPARTMENT OF LABOR AND INDUSTRY"

All remaining fiscal year 1993 federal special budget amendment authority for the Native American vets outreach program is authorized to continue for fiscal year 1994.

Fair Housing-HUD	1993	138,150	Federal Special
Mine Safety	1993	50,538	Federal Special

All remaining fiscal year 1993 federal special budget amendment authority for mine safety is authorized to continue for fiscal year 1994."

13. Page 3, line 5.

Following: line 4

Insert: "DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES

Stormwater	1993	116,892	Federal Special"
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14. Page 3, line 5.

Following: line 4

Insert: "DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES

DDPAC Grant	1993	116,892	Federal Special"
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15. Page 3, line 5.

Following: line 4

Insert: "MONTANA UNIVERSITY SYSTEM

Agricultural Experiment Station	1993	127,000	Federal Special
Agricultural Experiment Station	1993	11,873	State Special

University of Montana: Instruction (01)	1993	696,836	State Special
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HOUSE JOURNAL  
REGULAR SESSION

Research (02)	1993	5,530	State Special
Support (44)	1993	1,736,888	State Special
O&M of Plant (07)	1993	71,336	State Special
Scholarships & Fellowships (08)	1993	3,640	State Special
Montana State University:			
Instruction (01)	1993	996,510	State Special
Support (44)	1993	641,000	State Special
O&M of Plant (07)	1993	500,000	State Special
Montana College of Mineral Science & Technology:			
Instruction (01)	1993	151,893	State Special
Support (44)	1993	39,000	State Special
O&M of Plant (07)	1993	15,000	State Special
Eastern Montana College:			
Instruction (01)	1993	68,903	State Special
Western Montana College:			
Instruction (01)	1993	22,748	State Special
Northern Montana College:			
Instruction (01)	1993	6,214	State Special
Support (44)	1993	14,490	State Special
Billings Vocational-Technical Center:			
Instruction (01)	1993	53,000	State Special
Support (44)	1993	47,000	State Special
Great Falls Vocational-Technical Center:			
Instruction (01)	1993	33,700	State Special
Missoula Vocational-Technical Center:			
Instruction (01)	1993	33,122	State Special
Support (44)	1993	9,500	State Special
O&M of Plant (07)	1993	10,000	State Special

Any spending authority for fiscal year 1993 budget amendments for the Montana university system authorized in [this act] that is not used in fiscal year 1993 may be used in fiscal year 1994."

16. Page 3, line 5 through page 5, and line 5.

Strike: section 4 in its entirety

Renummer: subsequent section

And, as amended, do pass. Report adopted.

**HB 65**, introduced bill, do pass. Report adopted.

**HB 314**, introduced bill, be amended as follows:

1. Page 2, line 22.

Strike: subsection (1) in its entirety  
Renumber: subsequent subsections

2. Page 3, line 2.

Strike: subsection (5) in its entirety  
Renumber: subsequent subsections

3. Page 3, line 8.

Strike: subsection (11) in its entirety  
Renumber: subsequent subsections

4. Page 3, line 10.

Strike: "AND"

5. Page 3, line 11.

Following: "park"

Insert: ";

6. Page 3.

Following: line 11

Insert: "(12) Council Grove state park;  
(13) Beaverhead Rock state park;  
(14) Natural Bridge state park; and  
(15) Madison Buffalo Jump state park"

7. Page 3, line 21.

Following: "necessary"

Insert: "access to"

8. Page 4, line 22.

Following: "[section 2]"

Insert: ", except that the department may charge camping fees at  
Thompson Falls state park and Headwaters state park"

And, as amended, do pass. Report adopted.

**HB 483**, introduced bill, do pass. Report adopted.

**HB 517**, third reading copy, do pass. Report adopted.

**HB 537**, second reading copy, be amended as follows:

1. Page 1, line 7.

Strike: "SECTION"

Insert: "SECTIONS"

2. Page 1, line 8.

Following: "90-7-220"

Insert: "AND 90-7-317"

3. Page 3, following line 20.

Insert: "Section 2. Section 90-7-317, MCA, is amended to read:

"90-7-317. Capital reserve account. (1) There is a capital  
reserve account in the enterprise fund provided for in 90-7-  
202(17).



(2) The authority shall deposit into the capital reserve account:

(a) funds from state appropriations received for deposit into the account, as provided in 90-7-319, for bonds issued to finance capital projects for community health facilities that contract with the state to provide health care services or bonds issued to finance the facility described in 90-7-220;

(b) proceeds from the sale of bonds or notes to the extent provided in the resolutions or indentures of the authority authorizing their issuance;

(c) revenues from fees and charges imposed by the authority;

(d) income from the investment of funds belonging to the authority; and

(e) any other funds that may be available to the authority for the purpose of the account from any other source, including loans authorized under 90-7-320.""

And, as amended, do pass. Report adopted.

**HB 609**, introduced bill, be amended as follows:

1. Page 1, line 24.

Following: "bill."

Insert: "The investigative functions that rulemaking may address are limited to the factfinding responsibilities of investigators and the search and seizure functions associated with illegally stored or transported alcoholic beverages or tobacco products."

2. Page 10, lines 18 and 19.

Following: "department"

Strike: "and the department of justice"

3. Page 33, lines 5 and 6.

Following: "implement"

Strike: "[this act]"

Insert: "[sections 17 through 24]"

And, as amended, do pass. Report adopted.

**HB 642**, introduced bill, be amended as follows:

1. Title, lines 6 and 7.

Following: "PARKS"

Strike: "FOR USE BY THE MONTANA CONSERVATION CORPS"

2. Title, line 8.

Following: "AN"

Strike: "IMMEDIATE"

3. Title, line 9.

Strike: "AND A RETROACTIVE APPLICABILITY DATE"

4. Page 1, line 22.

Strike: "(1)(c)"

Insert: "(1)(d)"

5. Page 2, line 16.

Following: "program;"

Strike: "and"

6. Page 2, following line 16.

Insert: "(c) 6.5% to the department of fish, wildlife, and parks for the maintenance of facilities in state parks that have both resident and nonresident use, subject to [section 2]; and"

Re-number: subsequent subsection

7. Page 2, following line 19.

Insert: "(i) 75% to be used directly by the department of commerce;"

Re-number: subsequent sections

8. Page 2, line 21.

Strike: "(1)(c)(ii)"

Insert: "(1)(d)(iii)"

9. Page 2, line 24.

Following: ";

Insert: "and"

10. Page 3, line 6.

Following: "city-county"

Strike: ".

Insert: "."

11. Page 3.

Strike: lines 7 through 13 in their entirety

12. Page 4, lines 8 and 17.

Following: "(c)"

Strike: "(iii)"

13. Page 4, lines 8 through 13.

Following: "parks" on line 8

Strike: remainder of line 8 through line 13 in their entirety

Insert: "that have both resident and nonresident tourist usage. The department shall by July 1 of each year report to the tourism advisory council on the identity and status of all contracts or activities funded pursuant to this section."

14. Page 4, line 19.

Strike: "equal"

15. Page 4, line 25 through page 5, line 1.

Following: "date" on page 4, line 25

Strike: "-- retroactive applicability"

16. Page 5, lines 1 through line 3.

Strike: "on" on line 1 through "1993" on line 3

Insert: "July 1, 1993"

And, as amended, do pass. Report adopted.

**HB 654**, introduced bill, do pass. Report adopted.

**HB 657**, introduced bill, be amended as follows:

1. Title, lines 6 and 7.

Following: "ACT"

Strike: "ELIMINATING THE REQUIREMENT THAT"

Insert: "ALLOWING"

2. Title 1, line 7.

Following: "GENERAL"

Insert: "TO CHARGE A FEE TO"

3. Title, lines 9 and 10.

Following: "DATE" on line 9

Strike: remainder of line 9 through "DATE" on line 10

4. Page 2, line 21.

Following: "(6)"

Insert: "to give an opinion in writing to the legislature or either house of the legislature, to any state officer, board, or commission, to any county attorney, to the city attorney of any city or town, and to the board of county commissioners of any county of the state when required upon any question of law relating to their respective offices. The attorney general shall give an opinion within 3 months following the date it is requested unless the attorney general certifies in writing to the requesting party that the question is of sufficient complexity to require additional time. If an opinion issued by the attorney general conflicts with an opinion issued by a city attorney, a county attorney, or an attorney employed or retained by any state officer, board, commission, or department, the attorney general's opinion is controlling unless overruled by a state district court or the supreme court. The attorney general may assess a reasonable fee to the requesting party to defray the costs associated with responding to the request. The fees collected must be deposited in the general fund."

5. Page 3, line 12.

Following: "(7)"

Insert: "(7)"

6. Page 3, line 14.

Following: "(8)"

Strike: "(7)"

Insert: "(8)"

7. Page 3, lines 17 and 18.

Strike: section 3 in its entirety

And, as amended, do pass. Report adopted.

**HB 666**, introduced bill, be amended as follows:

1. Title, line 6.

Strike: "ELIMINATING"

Insert: "REVISING"

2. Title, line 8.

Strike: "SECTIONS 17-7-502 AND"

Insert: "SECTION"

3. Page 1.

Following: line 11

Strike: section 1 in its entirety

Renumber: subsequent sections

4. Page 3, line 12.

Following: "board"

Insert: "and is statutorily appropriated, as provided in 17-7-502, for the purposes provided for under subsections (3)(b) and (3)(c). Administrative costs under subsection (3)(a) must be paid pursuant to a legislative appropriation"

And, as amended, do pass. Report adopted.

**HB 678**, introduced bill, do pass. Report adopted.

BUSINESS AND ECONOMIC DEVELOPMENT (Benedict, Chairman):

3/16/93

**SJR 16**, third reading copy, be concurred in and be placed on the consent calendar. Report adopted.

EDUCATION AND CULTURAL RESOURCES (H. S. Hanson, Chairman):

3/16/93

**HB 540**, introduced bill, do pass. Report adopted.

### FIRST READING AND COMMITMENT OF BILLS AND RESOLUTIONS

The following House bills were introduced, read first time, and referred to committee:

**HB 684**, introduced by Menahan (by request of the House Appropriations Committee), referred to Committee on Appropriations

**HB 685**, introduced by Grady, referred to Committee on Appropriations

### ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Representative Grinde moved the House adjourn until 1:00 p.m., Wednesday, March 17, 1993. Motion carried.



House adjourned at 2:30 p.m.

John Mercer, Speaker

Marilyn Miller, Chief Clerk

## SIXTIETH LEGISLATIVE DAY

Helena, Montana  
March 17, 1993

House Chambers  
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Representative Bohlinger. Pledge of Allegiance to the Flag.

Roll call. All members present except Daily, Harrington, Pavlovich, Winslow, excused. Quorum present.

Mr. Speaker: We, your committee on Legislative Administration/Bills and Journal, having examined the daily journal for the fifty-seventh legislative day, find the same to be correct.

Harriet Hayne, Chairman

### REPORTS OF STANDING COMMITTEES

BILLS (Hayne, Chairman): 3/17/93

Correctly printed for second reading: HB 3, HB 4, HB 65, HB 314, HB 483, HB 517, HB 540, HB 609, HB 642, HB 654, HB 657.

Correctly engrossed for third reading: HB 505, HB 592.

Signed by the Speaker at 6:00 p.m., 3/16/93: HB 53, HB 150, HB 189, HB 208, HB 211, HB 234, HB 251, HB 259, HB 266, HB 356, HB 390, HB 403, HB 404, HB 440, HB 446, HB 464, HB 465, HB 493, HB 513, HB 520, HB 521, HB 535, HB 631, SB 52, SB 67, SB 86, SB 92, SB 109, SB 111, SB 129, SB 207, SB 234, SB 259, SB 306, SB 312, SB 349, SB 369, SJR 8, SJR 26.

Examined by the sponsor and found to be correct:

HB 50 - Fagg  
HB 66 - Cocchiarella  
HB 82 - Wiseman  
HB 129 - Wanzenried  
HB 133 - Foster  
HB 164 - Larson  
HB 290 - Hibbard  
HB 292 - Larson  
HB 295 - Foster  
HB 298 - Bird  
HB 300 - Swanson  
HB 304 - Kasten  
HB 306 - McCaffree  
HB 309 - Kasten  
HB 327 - McCaffree  
HB 329 - Brooke  
HB 337 - Brown  
HB 340 - Brown  
HB 366 - Rose  
HB 372 - S. Rice  
HB 373 - Kadas  
HB 380 - Ewer  
HB 502 - Barnett  
HB 534 - Cocchiarella  
HB 634 - Elliott

## APPROPRIATIONS (Zook, Chairman):

3/16/93

**HB 7**, introduced bill, do pass. Report adopted.**HB 9**, introduced bill, be amended as follows:

1. Title, line 7.

Following: "AWARDS;"

Strike: "AND"

2. Title, line 8.

Following: "GRANTS"

Insert: "; AND PROVIDING EFFECTIVE DATES"

3. Page 2, line 23.

Strike: "600".

Insert: "1,000"

4. Page 3, line 3.

Strike: lines 3 through 5 in their entirety

5. Page 3, line 8.

Strike: "40,000"

Insert: "20,000"

6. Page 3, line 26.

Strike: "Dept. of Administration - State of Montana"

Insert: "Montana Historical Society"

7. Page 4, line 14.

Strike: "20,000"

Insert: "15,000"

8. Page 4, line 17.

Strike: "23,000"

Insert: "20,000"

9. Page 4, line 18.

Strike: "15,000"

Insert: "12,500"

10. Page 4, line 24.

Strike: "7,500"

Insert: "5,000"

11. Page 5, line 11.

Strike: "15,000"

Insert: "4,500"

12. Page 5, line 12.

Strike: line 12 in its entirety

13. Page 5, line 18.

Strike: "10,000"

Insert: "7,500"

14. Page 5, line 19.

Strike: "4,000"

Insert: "2,000"

15. Page 5, line 24.

Strike: line 24 in its entirety

16. Page 6, line 11.

Strike: "3,500"

Insert: "3,000"

17. Page 6, line 14.

Strike: "7,500"

Insert: "3,000"

18. Page 6, line 16.

Strike: "9,500"

Insert: "8,000"

19. Page 6, line 23.

Strike: "25,000"

Insert: "22,500"

20. Page 7, line 2.

Strike: "25,000"

Insert: "22,500"

21. Page 7, line 3.

Strike: "15,000"

Insert: "12,000"

22. Page 7, line 10.

Strike: "10,000"

Insert: "8,000"

23. Page 7, line 17.

Strike: "15,000"

Insert: "25,000"

24. Page 8, line 5.

Strike: "11,500"

Insert: "10,000"

25. Page 8, line 7.

Strike: lines 7 through 10 in their entirety

26. Page 9, line 6.

Strike: "20,000"

Insert: "10,000"

27. Page 9, line 8.

Strike: "12,000"

Insert: "10,000"



28. Page 9, line 13.

Strike: line 13 in its entirety

29. Page 9, following line 13.

Insert: "Montana Chamber Orchestra

4,000"

30. Page 9, following line 13.

Insert: "Arlee Historical Society

3,320"

31. Page 9, following line 19.

Insert: "(5) The amount of \$150,000 is appropriated to the Montana arts council from money that may revert from appropriations made in [section 1(3)] to match national endowment for the arts funds. The appropriation in this subsection may be used only for rural and other underserved programs throughout the state."

32. Page 9, following line 19.

Insert: "NEW SECTION. Section 2. Appropriation of cultural and aesthetic grant funds. The following project is approved and the following amount is appropriated to the Montana arts council for the biennium ending June 30, 1995, from the cultural and aesthetics projects account:

Daly Mansion Preservation Trust

109,280"

If the amount of this appropriation exceeds the amount needed to retire the debt for the mansion then the amount in excess of the debt shall revert.

Renumber: subsequent sections

33. Page 10, following line 6.

Insert: "NEW SECTION. Section 5. Effective date. [Section 2 and this section] are effective on passage and approval."

And, as amended, do pass. Report adopted.

**HB 601**, introduced bill, do pass. Report adopted.

**HB 674**, introduced bill, do pass. Report adopted.

**HB 675**, introduced bill, do pass. Report adopted.

**HB 677**, introduced bill, do pass. Report adopted.

**SB 39**, third reading copy, be concurred in. Report adopted.

**SB 40**, third reading copy, be concurred in. Report adopted.

BUSINESS AND ECONOMIC DEVELOPMENT (Benedict, Chairman):

3/16/93

**SB 320**, third reading copy, be amended as follows:

1. Title, line 12.

Strike: "AND REVISIONS"

Strike: "AND"

2. Title, line 14.

Following: "DATE"

Insert: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

3. Page 1, line 18.

Following: "REQUIRES"

Strike: "AUTHORIZES"

Insert: "requires"

4. Page 1, line 22.

Following: "REQUIREMENTS"

Insert: "and amendment processing procedures"

5. Page 2, line 7.

Strike: "180"

Insert: "90"

6. Page 2, line 25.

Following: "ATTORNEY"

Insert: "and expert witness"

7. Page 3, lines 1 through 3.

Strike: "THAT" on line 1 through "MERIT" on line 3

Insert: "an award is appropriate"

8. Page 3, line 4.

Following: "Amendment"

Strike: "or revision of"

Insert: "to"

9. Page 3, line 7.

Strike: "or revision"

10. Page 3.

Following: line 10

Insert: "(2) The department may by rule establish criteria for the classification of amendments as major or minor. The department shall adopt rules establishing requirements for the content of applications for major and minor amendments and the procedures for processing minor amendments."

Renumber: subsequent subsections

11. Page 3, line 11.

Strike: "(a)"

12. Page 3, line 13 through page 4, line 20.

Strike: "(b)" on page 3, line 13 through "APPLICATION." on page 4, line 20

13. Page 4, line 21.

Strike: "(C)"

Insert: "(4)"

14. Page 4, line 22.

Strike: "REVISION"

Insert: "amendment"

15. Page 4, line 25 through page 5, line 3.

Strike: "WITHIN" on page 4, line 25 through "(3)(A)." on page 5, line 3

16. Page 5.

Following: line 3

Insert: "(5) The department is not required to prepare an environmental assessment or an environmental impact statement for the following categories of action:

(a) actions that qualify for a categorical exclusion as defined by rule or justified by a programmatic review pursuant to Title 75, chapter 1;

(b) administrative actions, such as routine, clerical, or similar functions of a department, including but not limited to administrative procurement, contracts for consulting services, and personnel actions;

(c) repair or maintenance of the permittee's equipment or facilities;

(d) investigation and enforcement actions, such as data collection, inspection of facilities, or enforcement of environmental standards;

(e) ministerial actions, such as actions in which the agency does not exercise discretion, but acts upon a given state of facts in a prescribed manner;

(f) approval of actions that are primarily social or economic in nature and that do not otherwise affect the human environment;

(g) changes in a permit boundary that increase disturbed acres that are insignificant in impact relative to the entire operation, provided that the increase is less than 10 acres or 5% of the permitted area, whichever is less; and

(h) changes in an approved operating plan or reclamation plan for an activity that was previously permitted, provided that the impacts of the change will be insignificant relative to the impacts of the entire operation and there is less than 10 acres of additional disturbance."

17. Page 5.

Following: line 14

Insert: "(2) "Amendment" means a change to an approved operating or reclamation plan. A major amendment is an amendment that may significantly affect the human environment. A minor amendment is an amendment that will not significantly affect the human environment."

Renumber: subsequent subsections

18. Page 6, line 16 through page 7, line 6.

Strike: "(8)" on page 6, line 16 through "PROCESSING." on page 7, line 6

Renumber: subsequent subsections

19. Page 7, line 19 though page 8, line 2.

Strike: "(12)" on page 7, line 19 through "AMENDMENT." on page 8, line 2

Renumber: subsequent subsections

20. Page 12, line 4.

Following: "DEFICIENCIES."

Insert: "The initial completeness notice must note all deficiency issues, and the department may not in a later completeness notice raise an issue pertaining to the initial application that was not raised in the initial notice. The department may, however, raise any deficiency during the adequacy review pursuant to subsection (1)(b)."

21. Page 14, lines 4 through 7.

Following: "SHALL" on line 4

Strike: "CONSULT" on line 4 through "CONTRACTOR" on line 7

Insert: "prepare a list of no fewer than four contractors acceptable to the department and shall provide the applicant with a copy of the list. The applicant shall provide the department with a list of at least 50% of the contractors from the department's list. The department shall select its contractor from the list provided by the applicant"

22. Page 15, line 6.

Strike: "OR REVISION OF"

23. Page 16, line 2.

Strike: "RIGHTS AND DUTIES THAT MATURED,"

24. Page 16, line 3.

Following: "INCURRED"

Strike: ", "

25. Page 16.

Following: line 4

Insert: "NEW SECTION. Section 9. Severability. If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

NEW SECTION. Section 10. Effective date. [This act] is effective on passage and approval."

And, as amended, be concurred in. Report adopted.

**SJR 20**, third reading copy, be amended as follows:

1. Page 6, line 20.

Following: "AMERICA"

Insert: "and Canadian imports of beef from Australia"

And, as amended, be concurred in. Report adopted.

LOCAL GOVERNMENT (Wallin, Chairman):

3/17/93

**SB 112**, third reading copy, be concurred in. Report adopted.

**SB 149**, third reading copy, be concurred in and be placed on the consent calendar. Report adopted.



**MESSAGES FROM THE SENATE**

House bill concurred in and returned to the House: 3/16/93

**HB 650**, introduced by Strizich

Senate bill passed and transmitted to the House for concurrence: 3/16/93

**SB 235**, introduced by Crippen

**FIRST READING AND COMMITMENT  
OF BILLS AND RESOLUTIONS**

The following Senate bills were introduced, read first time, and referred to committee:

**SB 235**, introduced by Crippen (by request of the Governor), referred to Committee on Taxation

**SB 402**, introduced by Towe, Harper, referred to Committee on Appropriations

**MOTIONS**

Representative Harper moved SB 320 be taken from engrossing and rereferred to the Committee on Natural Resources. Motion failed. (35-65)

Representative Gilbert moved that action on HB 467 be indefinitely postponed. Motion carried. (93-1)

Representative Hansen moved consideration of SB 118 be placed below SB 291 on the second reading board. Motion carried.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Menahan in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 579** - Representative Russell moved HB 579, second reading copy, be amended as follows (amendment #1):

1. Page 4, lines 14 and 15.

Following: "the" on line 14

Strike: remainder of line 14 through "education" on line 15

Insert: "university system student body governments"

2. Page 7, line 9.

Strike: "one-half"

Amendment #1 passed as follows:

Ayes: Bachini, Bardanouve, Barnhart, Bird, Bohlinger, Brandewie, Brooke, Brown, Cobb, Cocchiarella, Davis, Dolezal, Dowell, Driscoll, Elliott, Endy, Ewer, Fagg, Fisher, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, L. Nelson, T. Nelson, Orr, Peck, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Schwinden, Schye, Simon, Simpkins, Smith, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wallin, Wanzenried, Whalen, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 75

Noes: Anderson, Barnett, Benedict, Bergman, Bergsagel, Boharski, Clark, DeBruycker, Ellis, Feland, Foster, Hayne, Kasten, Keller, Mills, Molnar, Peterson, Rehbein, Sayles, Spring.

Total 20

Excused: Daily, Harrington, Pavlovich, Winslow.

Total 4

Absent or not voting: Wagner.

Total 1

Representative Russell moved HB 579, as amended, do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bird, Bohlinger, Brandewie, Brooke, Brown, Cobb, Cocchiarella, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Hansen, H.S. Hanson, M. Hanson, Harper, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Larson, Mason, McCaffree, McCarthy, McCulloch, Mills, Molnar, L. Nelson, T. Nelson, Peck, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Russell, Ryan, Schwinden, Schye, Simon, Simpkins, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 78

Noes: Bergman, Bergsagel, Clark, Feland, Hayne, Kasten, Keller, Knox, Orr, Rehbein, Rose, Sayles, Smith, Spring, Vogel.

Total 15

Voted Absentee: Winslow, Aye.

Excused: Daily, Harrington, Pavlovich.

Total 3

Absent or not voting: Boharski, Grinde, Menahan, Wagner.

Total 4

**HB 645** - Representative Schye moved HB 645 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Bergman, Bergsagel, Bird, Bohlinger, Brandewie, Brooke, Brown, Clark, Cocchiarella, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, Harper, Herron, Hibbard, J. Johnson, Kadas, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Mills, L. Nelson, T. Nelson, Orr, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Schwinden, Schye, Simon, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wallin, Whalen, Wiseman, Zook, Mr. Speaker.

Total 80

Noes: Benedict, Boharski, Cobb, Fisher, H.S. Hanson, M. Hanson, Hayne, R. Johnson, Kasten, Molnar, Sayles, Simpkins, Wagner, Wanzenried, Winslow, Wyatt.

Total 16

Voted Absentee: Winslow, No.

Excused: Daily, Harrington, Pavlovich.

Total 3

Absent or not voting: Menahan.

Total 1

**SB 68** - Representative Whalen moved SB 68, third reading copy, be amended (amendment #1). Amendment #1 failed as follows: (36-58)

Representative Toole moved SB 68 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Clark, Cobb, Cocchiarella, Davis, DeBruycker, Dolezal, Dowell, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Peck, Peterson, Quilici, Raney, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Zook, Mr. Speaker.

Total 91

Noes: Brown, Driscoll, McCulloch, Ream, Sayles, Wyatt.

Total 6

Voted Absentee: Winslow, Aye.

Excused: Daily, Harrington, Pavlovich.  
Total 3

Absent or not voting: None.  
Total 0

**SB 81** - Representative Bachini moved consideration of SB 81 be passed for the day. Motion carried.

**SB 103** - Representative Harper moved SB 103 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Davis, DeBruycker, Dolezal, Dowell, Elliott, Ellis, Endy, Fagg, Feland, Fisher, Foster, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Mills, Molnar, L. Nelson, T. Nelson, Orr, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Winslow, Wiseman, Zook, Mr. Speaker.  
Total 88

Noes: Driscoll, Ewer, Galvin, Gervais, Menahan, Peck, Wanzenried, Whalen, Wyatt.  
Total 9

Voted Absentee: Winslow, Aye.

Excused: Daily, Harrington, Pavlovich.  
Total 3

Absent or not voting: None.  
Total 0

**SB 139** - Representative Dowell moved SB 139 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bird, Bohlinger, Brandewie, Brooke, Brown, Cocchiarella, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Foster, Galvin, Gervais, Grimes, Hansen, H.S. Hanson, M. Hanson, Harper, Hayne, Herron, Hibbard, J. Johnson, Kadas, Keller, Knox, Larson, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Peck, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Schwinden, Schye, Simon, Simpkins, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wyatt, Zook, Mr. Speaker.  
Total 76



Noes: Bergman, Bergsagel, Boharski, Clark, Ewer, Fagg, Feland, Fisher, Gilbert, Grinde, R. Johnson, Kasten, Mason, Orr, Peterson, Rehbein, Sayles, Smith, Wiseman.

Total 19

Voted Absentee: Winslow, Aye.

Excused: Daily, Harrington, Pavlovich.

Total 3

Absent or not voting: Cobb, Grady.

Total 2

**SB 174** - Representative Simpkins moved SB 174, third reading copy, be amended as follows (amendment #1):

1. Page 1, item #5 of the committee amendments.

Inserted material: second line

Strike: "3 years"

Insert: "1 year"

Amendment #1 passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 92

Noes: Elliott, Schwinden.

Total 2

Excused: Daily, Harrington, Pavlovich, Winslow.

Total 4

Absent or not voting: Boharski, Grady.

Total 2

Representative S. Rice moved SB 174, as amended, be concurred in. Motion failed as follows:

Ayes: Bardanouve, Barnhart, Boharski, Brandewie, Brooke, Cocchiarella, Davis, Dolezal, Dowell, Driscoll, Elliott, Endy, Ewer, Fagg, Galvin, Gervais, Hansen, Harper, Harrington, J. Johnson, Kadas, Larson, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, Quilici, Raney, Ream, J.

Rice, S. Rice, Russell, Ryan, Sayles, Schwinden, Schye, Squires, Stanford, Strizich, Swanson, Toole, Tuss, Wanzenried, Wyatt.  
Total 46

Noes: Anderson, Bachini, Barnett, Benedict, Bergman, Bergsagel, Bird, Bohlinger, Brown, Clark, Cobb, Daily, DeBruycker, Ellis, Feland, Fisher, Foster, Gilbert, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Herron, Hibbard, R. Johnson, Kasten, Keller, Knox, Mason, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Rehbein, Rose, Simon, Simpkins, Smith, Spring, Stovall, Tash, Tunby, Vogel, Wagner, Wallin, Whalen, Winslow, Wiseman, Zook, Mr. Speaker.  
Total 54

Voted Absentee: Harrington, Aye; Daily, Pavlovich, Winslow, Noes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 121** - Representative Grinde moved consideration of SB 121 be placed at the bottom of the second reading board. Motion carried.

**SB 166** - Representative S. Rice moved SB 166 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 96

Noes: None.  
Total 0

Voted Absentee: Winslow, Aye.

Excused: Daily, Harrington, Pavlovich.  
Total 3

Absent or not voting: Strizich.  
Total 1

**SB 218** - Representative Smith moved SB 218 be concurred in. Motion carried as follows:

Ayes: Anderson, Barnett, Benedict, Bergman, Bergsagel, Brandewie, Brooke, Brown, Clark, Davis, DeBruycker, Dowell, Elliott, Ellis, Fagg, Feland, Foster, Gilbert, Grady, Grinde, H.S. Hanson, Hayne, Herron, Keller, Knox, Larson, Mason, Mills, Molnar, L. Nelson, T. Nelson, Orr, Peterson, Quilici, Rehbein, Sayles, Simpkins, Smith, Spring, Stovall, Swanson, Tash, Tunby, Tuss, Wagner, Wallin, Whalen, Wiseman, Zook, Mr. Speaker.  
Total 50

Noes: Bachini, Bardanouve, Barnhart, Bird, Boharski, Bohlinger, Cobb, Cocchiarella, Dolezal, Driscoll, Endy, Ewer, Fisher, Galvin, Gervais, Grimes, Hansen, M. Hanson, Harper, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, McCaffree, McCarthy, McCulloch, Menahan, Peck, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Schwinden, Schye, Simon, Squires, Stanford, Strizich, Toole, Vogel, Wanzenried, Winslow, Wyatt.  
Total 47

Voted Absentee: Winslow, No.

Excused: Daily, Harrington, Pavlovich.  
Total 3

Absent or not voting: None.  
Total 0

Representative Grinde moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman Menahan moved the adoption of the committee report. Report adopted. (78-11)

## REPORTS OF STANDING COMMITTEES

BILLS (Hayne, Chairman): 3/17/93  
Correctly enrolled: HB 50, HB 66, HB 82, HB 129, HB 133, HB 164, HB 290, HB 292, HB 295, HB 298, HB 300, HB 304, HB 306, HB 309, HB 327, HB 337, HB 340, HB 366, HB 372, HB 373, HB 502, HB 534, HB 634.

FISH AND GAME (Foster, Chairman): 3/17/93  
**HJR 24**, introduced bill, be amended as follows:

1. Page 3, line 12.  
Following: "Governor"  
Insert: ", through the Department of Fish, Wildlife, and Parks,"

2. Page 3, line 17.  
Following: "heritage."  
Insert: "The Department of Fish, Wildlife, and Parks is encouraged to provide administrative assistance as necessary to enhance the cooperative effort."

3. Page 3.

Following: line 17

Insert: "BE IT FURTHER RESOLVED, that solutions developed by statewide, regional, and local groups be reported to future Legislatures and that legislation introduced by any of these groups reflect the mutual interests of landowners, outfitters, and the sporting community.

BE IT FURTHER RESOLVED, that the Secretary of State send copies of this resolution to any sporting, landowner, public access, agricultural, outfitter, or other group or organization that is interested or involved in the issues outlined in this resolution, including but not limited to the Montana Wildlife Federation, Montana Stockgrowers Association, Montana Wool Growers Association, Montana Farm Bureau, Montana Outfitters and Guides Association, Montana Audubon Council, Montana Trout Unlimited, Rocky Mountain Elk Foundation, Montanans for Multiple-Use, and Northern Plains Resource Council, for inclusion in their respective newsletters."

And, as amended, do pass. Report adopted.

JUDICIARY (Fagg, Chairman):

3/16/93

**SB 70**, third reading copy, be concurred in. Report adopted.

**SB 124**, third reading copy, be concurred in and be placed on the consent calendar. Report adopted.

**SB 229**, third reading copy, be concurred in. Report adopted.

**SB 238**, third reading copy, be concurred in. Report adopted.

**SB 251**, third reading copy, be amended as follows:

1. Title, line 9.

Following: ";

Insert: "AND"

2. Title, line 10.

Strike: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

3. Page 4, lines 9 and 10.

Strike: section 3 of the bill in its entirety

And, as amended, be concurred in. Report adopted.

SELECT SCHOOL FUNDING (Cobb, Chairman):

3/17/93

**SB 278**, third reading copy, be concurred in and be rereferred to the House Committee on Education and Cultural Resources for its consideration as part of the School Funding package. Report adopted.

**SB 348**, third reading copy, be concurred in and be rereferred to the House Committee on Education and Cultural Resources for its consideration as part of the School Funding package. Report adopted.

STATE ADMINISTRATION (Simpkins, Chairman):

3/17/93

**SB 276**, third reading copy, be amended as follows:



1. Page 2, line 24.

Strike: "\$50,000"

Insert: "\$25,000"

And, as amended, be concurred in. Report adopted.

### **MOTIONS**

Representative Grady moved HB 427 be taken from engrossing and rereferred to the Committee on Appropriations. Motion carried.

Representative Grady moved HB 615 be taken from engrossing and rereferred to the Committee on Appropriations. Motion carried.

### **ANNOUNCEMENTS**

Committee meetings were announced by committee chairmen.

Representative Grinde moved the House adjourn until 1:00 p.m., Thursday, March 18, 1993. Motion carried.

House adjourned at 3:15 p.m.

John Mercer, Speaker

Marilyn Miller, Chief Clerk

## SIXTY-FIRST LEGISLATIVE DAY

Helena, Montana  
March 18, 1993

House Chambers  
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Representative Menahan. Pledge of Allegiance to the Flag.

Roll call. All members present except Simon, Winslow, excused. Quorum present.

Mr. Speaker: We, your committee on Legislative Administration/Bills and Journal, having examined the daily journal for the fifty-eighth legislative day, find the same to be correct.

Harriet Hayne, Chairman

### COMMUNICATIONS AND PETITIONS

Representative Tash stated he would like to include an entry in the Journal to note the passing of a native of the Big Hole Basin. William Argyl Stephens passed away March 17th. Mr. Stephens had contributed many years of service to his community. He, along with his family, were responsible for the completion of many worthy projects in Beaverhead County. Argyl's father and uncle were the developers and patent holders of the famous Beaverslide Derrick that has given the Big Hole Valley the reputation of the land of 10,000 haystacks.

### REPORTS OF STANDING COMMITTEES

BILLS (Hayne, Chairman): 3/18/93  
Correctly printed for second reading: HB 7, HB 9, HB 537, HB 601,  
HB 674, HB 675, HB 677, HB 678, HJR 24.

Correctly engrossed for third reading: HB 579, HB 645, SB 68, SB 103,  
SB 129, SB 139, SB 149, SB 166, SB 218.

Correctly enrolled: HB 380.

Examined by the sponsor and found to be correct:

HB 68 - Fagg  
HB 98 - Quilici  
HB 110 - Hibbard  
HB 112 - Ream  
HB 123 - J. Johnson  
HB 153 - Bardanouve  
HB 187 - S. Rice  
HB 213 - Rose  
HB 244 - Schwinden  
HB 247 - Ewer  
HB 250 - Ream  
HB 256 - Toole  
HB 269 - Larson  
HB 293 - McCarthy  
HB 435 - Sayles  
HB 650 - Strizich  
HJR 12 - Wallin

Signed by the Speaker at 10:00 a.m., 3/18/93: HB 380.

Delivered to the Governor for his approval at 10:25 a.m., 3/18/93: HB 380.

APPROPRIATIONS (Zook, Chairman):

3/17/93

**HB 12**, introduced bill, be amended as follows:

1. Title, line 12.

Following: "PROJECTS"

Insert: " AND TO PROVIDE FUNDS TO PAY A PORTION OF THE STATE'S  
SHARE OF THE COSTS OF THE TONGUE RIVER DAM  
REHABILITATION PROJECT"

2. Page 2, line 1.

Strike: "[sections 1 through 8]"

Insert: "this section"

3. Page 2, line 3.

Strike: "[sections 1 through 8]"

Insert: "this section"

4. Page 2, line 5.

Following: "exceed"

Strike: "\$7,673,111"

Insert: "\$9,320,423"

5. Page 2, line 6.

Following: "projects"

Strike: ",",

Insert: "in the amount of \$8,473,111, including the costs of issuance, and"

6. Page 2, lines 6 and 7.

Strike: ", and paying the costs of issuance"

Insert: "in the amount of \$847,312"

7. Page 2, following line 20.

Insert: "(b) GROUP B: The interest rate for the project in this group may  
be 2% below the long-term bond rate at which the state bond is  
sold for the first 5 years of an anticipated 20-year term and must  
be at the rate at which the state bond is sold for the remaining 15  
years.

WEST SHORE SEWER DISTRICT OR FLATHEAD COUNTY RSID

Loan Amount

Sewer System

\$800,000

This loan is contingent on the creation of a sewer district or a rural  
improvement district."

8. Page 2, line 21.

Strike: "(b) GROUP B:"

Insert: "(c) GROUP C:"

9. Page 2, line 22.

Following: "is"

Strike: "3%"

Insert: "3.5%"

10. Page 2, following line 26.

Insert: "(d) GROUP D: The interest rate for the projects in this group is 4.5% for 20 years."

11. Page 3, line 6.

Following: line 5

Insert: "NEW SECTION. Section 2. Authorization of coal severance tax bonds for Tongue River dam rehabilitation project. The board of examiners is authorized to issue coal severance tax bonds in a principal amount not to exceed \$11,500,000 to pay a portion of the state of Montana's share of the costs of the Tongue River dam rehabilitation project, which project is approved. The bonds must be issued to the Northern Cheyenne tribe in evidence of a loan to be made to the state pursuant to Public Law 102-374. The principal of the bonds is payable over a term not to exceed 39 years, estimated to commence in 1998. The bonds bear no interest. The state of Montana's share of revenue from the rehabilitated Tongue River dam is pledged first for the state of Montana's share of the operation and maintenance costs of the rehabilitated Tongue River dam. The excess revenue over the operation and maintenance costs is pledged, dedicated, and appropriated to the debt service account in the state treasury for the benefit of the bonds authorized by [section 3] and this section. The proceeds of the bonds are appropriated to the department of natural resources and conservation to pay a portion of the state's share of the costs of the Tongue River dam rehabilitation project. The enactment of this section supersedes House Bill No. 846, enacted by the 47th legislature, authorizing the issuance of up to \$10 million of coal severance tax bonds for the Tongue River dam rehabilitation project."

Renumber: subsequent sections

12. Page 3, line 14.

Strike: "8"

Insert: "3"

13. Page 3, line 15.

Strike: "8"

Insert: "3"

14. Page 3, line 21.

Following: "debt"

Insert: ": (a)"

15. Page 3, line 22.

Following: "exceed"

Strike: "\$7,673,111"

Insert: "\$9,320,423"

16. Page 3, lines 24 and 25.

Strike: "[sections 1 through 8]" on line 24 through "[sections 1 through 8]" on line 25



Insert: "[section 1] and for funding a reserve for the coal severance tax bonds authorized to fund those projects; and  
(b) in an amount not to exceed \$11,500,000 to pay a portion of the state's costs of the Tongue River dam rehabilitation project"

17. Page 6, line 12.

Following: "funds"

Strike: "under [sections 1 through 8]"

18. Page 8, lines 4 and 5.

Following: "1" on line 4

Strike: "through 8" on lines 4 and 5

Insert: "and 4"

19. Page 9, line 13.

Strike: "8"

Insert: "9"

20. Page 9, line 15.

Strike: "8"

Insert: "9"

21. Page 9, line 23.

Strike: "2"

Insert: "3"

Following: "debt"

Insert: "and appropriation of coal severance tax bond fund deposits"

22. Page 10, line 2.

Strike: "2"

Insert: "3"

And, as amended, do pass. Report adopted.

**HB 145**, third reading copy, be amended as follows:

1. Title, page 2, line 4.

Following: line 3

Insert: "PROVIDING A CONTINGENT APPROPRIATION TO PURCHASE HEALTH INSURANCE FOR LOW-INCOME WORKING FAMILIES IF FEDERAL WAIVERS ARE NOT RECEIVED;"

2. Page 10, line 7.

Strike: " \_ "

Insert: "Senate"

3. Page 10, line 8.

Strike: " \_ [LC 144]"

Insert: "285"

4. Page 10, line 10.

Following: "appropriated"

Insert: "from the health care fund"

5. Page 10, lines 18 and 23.

Strike: "General"

Insert: "State special revenue"

6. Page 11, lines 1 and 19.

Following: "If"

Strike: "—"

Insert: "Senate"

Following: "No."

Strike: "— [LC 144]"

Insert: "285"

7. Page 11, lines 11 and 16.

Strike: "General"

Insert: "State special revenue"

8. Page 12, lines 1 and 6.

Strike: "General"

Insert: "State special revenue"

9. Page 12, lines 9 through 13.

Strike: subsection (4) in its entirety

10. Page 12, line 14.

Following: line 13

Insert: "NEW SECTION. Section 5. Contingent provisions -- appropriations. (1) If the department of social and rehabilitation services does not receive a waiver by January 1, 1994, allowing a sliding scale fee and a waiver under [section 3] and if the growth of primary care for medicaid exceeds 15% for the period from January 1, 1993, through December 31, 1993, then [section 2], amending 53-6-131, is void. All state special revenue funds that would have been spent under [section 2] are appropriated to the health care authority to be used to purchase health insurance for low-income working families. The health care authority shall develop a sliding scale of income for participating families.

(2) Subject to the availability of state special revenue funds, there is appropriated to the health care authority for the purposes of subsection (1), the following amounts:

Fiscal Year 1994

State special revenue fund	\$2,000,000
Federal funds	6,000,000
Total	\$8,000,000

Fiscal Year 1995

State special revenue fund	\$3,500,000
Federal funds	10,500,000
Total	\$14,000,000"

Renumber: subsequent sections

11. Page 12, line 25.

Strike: "5,"

Following: "6,"

Insert: "7,"

12. Page 13, line 3.

Strike: "[Section 2] is"

Insert: "[Sections 2 and 5] are"

And, as amended, do pass. Report adopted.

**HB 549**, introduced bill, be amended as follows:

1. Page 5, line 25 through page 6, line 1.

Following: "in" on page 5, line 25

Strike: "an internal service fund account within the state"

Insert: "a"

2. Page 6, lines 1 and 2.

Following: "fund" on line 1

Strike: "created for paying the expenses of publication of ARM and the register"

3. Page 8, following line 6.

Insert: "(5) Within 120 days following the end of each fiscal year, the secretary of state shall deposit into the general fund from the proprietary fund any revenue collected in the proprietary fund during the prior fiscal year that is in excess of the amount appropriated from the proprietary fund for the current year."

And, as amended, do pass. Report adopted.

**HB 647**, introduced bill, be amended as follows:

1. Page 1, line 13 through page 2, line 11.

Following: "limit."

Strike: remainder of line 13 through page 2, line 11

Insert: "There is a general fund spending limit for state government. The legislature may not appropriate or otherwise authorize the disbursement of more than 97% of the average of the total sums of revenue from other financing sources and ending fund balances from the previous two bienniums unless the excess appropriation is authorized by a two-thirds vote of each house of the legislature. The remaining revenue must be used to create ending fund balances or be deposited in an account to be used in the event of a revenue shortfall."

And, as amended, do pass. Report adopted.

**HB 660**, introduced bill, be amended as follows:

1. Title, line 14.

Following: "DATE"

Insert: "AND A TERMINATION DATE"

2. Page 18, following line 9.

Insert: "NEW SECTION. Section 15. Termination. [Section 8(4), the first sentence in section 8(6), and section 10] terminate July 1, 1995."

And, as amended, do pass. Report adopted.

**HB 668**, introduced bill, do pass. Report adopted.

**HJR 18**, introduced bill, do pass. Report adopted.

### MESSAGES FROM THE SENATE

House bills concurred in and returned to the House: 3/17/93

**HB 561**, introduced by Brown

**HB 566**, introduced by Swanson

**HB 573**, introduced by Kadas

**HB 577**, introduced by Brown

House bills concurred in as amended and returned to the House for concurrence in Senate amendments: 3/17/93

**HB 409**, introduced by Pavlovich

**HB 494**, introduced by Dowell

**HB 496**, introduced by Wyatt

**HB 637**, introduced by Ryan

Senate bill passed and transmitted to the House for concurrence:

3/17/93

**SB 379**, introduced by Doherty

House amendments to Senate bills concurred in:

3/17/93

**SB 84**, introduced by Halligan

**SB 117**, introduced by Halligan

**SB 160**, introduced by Rye

**SB 169**, introduced by Beck

**SB 184**, introduced by Blaylock

**SB 390**, introduced by Christiaens

**SB 289**, introduced by Crippen, requiring adoption by an affirmative roll call vote of two-thirds of all the members of the Legislature, passed the Senate and was transmitted on 3/17/93 to the House with the following vote: (36-13).



## MESSAGES FROM THE GOVERNOR

The Honorable John Mercer  
Speaker of the House  
State Capitol  
Helena, Montana 59620

March 17, 1993

Dear Representative Mercer:

Please be informed that I have signed House Bills 24, 223, 297 and 312 on March 17, 1993.

Sincerely,

MARC RACICOT  
Governor

The Honorable John Mercer  
Speaker of the House  
State Capitol  
Helena, Montana 59620

March 18, 1993

Dear Representative Mercer:

Please be informed that I have signed House Bills 18, 22 and 44 on March 18, 1993.

Sincerely,

MARC RACICOT  
Governor

FIRST READING AND COMMITMENT  
OF BILLS AND RESOLUTIONS

The following House bill was introduced, read first time, and referred to committee:

**HB 686**, introduced by Driscoll, Hibbard, Ewer (by request of the House Select Committee on Workers' Compensation), referred to Select Committee on Workers' Compensation

The following Senate bills were introduced, read first time, and referred to committee:

**SB 289**, introduced by Crippen, Mercer, B. Brown, Benedict, Larson, Harp, Tunby, Toole, S. Rice, Wiseman, Wallin, R. Johnson, Fagg, Simon, Molnar, Wanzenried, Strizich, Gilbert, Vogel, Bianchi, Schwinden, Elliott, Peck, Clark, Kennedy, Grady, Grosfield, Gage, Wilson, Blaylock (by request of the Governor), referred to Committee on Taxation

**SB 379**, introduced by Doherty, Toole, Elliott, Towe, Harp, referred to Committee on Taxation

**MOTIONS**

Representative Strizich moved consideration of SB 121 be placed at the top of the second reading board. Motion carried.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Foster in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**SB 121** - Representative Strizich moved SB 121 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, L. Nelson, T. Nelson, Orr, Pavlovich, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simpkins, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 93

Noes: Cobb, Feland, Molnar, Peck, Smith.  
Total 5

Voted Absentee: Winslow, Aye.

Excused: Simon.  
Total 1

Absent or not voting: Whalen.  
Total 1

**HB 46** - Representative J. Johnson moved HB 46, second reading copy, be amended (amendment #1). Amendment #1 failed as follows: (47-52)

Representative J. Johnson moved HB 46, second reading copy, be amended (amendment #2). Amendment #2 failed as follows: (47-52)

Representative J. Johnson moved HB 46 do pass.

Representative Pavlovich made a substitute motion HB 46 do not pass. Motion failed as follows:

Ayes: Bachini, Bardanouve, Barnhart, Brooke, Brown, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Endy, Ewer, Galvin, Gervais, Hansen, Harper, Harrington, J. Johnson, Kadas, Kasten, Larson, McCaffree, McCarthy, McCulloch, Menahan, L. Nelson, Pavlovich, Peck, Quilici, Raney, Ream, S. Rice, Rose, Russell, Ryan, Schwinden, Schye, Squires, Stanford, Strizich, Swanson, Toole, Tuss, Wallin, Wanzenried, Whalen, Wyatt.

Total 49

Noes: Anderson, Barnett, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Clark, Cobb, DeBruycker, Ellis, Fagg, Feland, Fisher, Foster, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Herron, Hibbard, R. Johnson, Keller, Knox, Mason, Mills, Molnar, T. Nelson, Orr, Peterson, Rehbein, J. Rice, Sayles, Simon, Simpkins, Smith, Spring, Stovall, Tash, Tunby, Vogel, Wagner, Winslow, Wiseman, Zook, Mr. Speaker.

Total 50

Voted Absentee: Simon, Winslow, Noes.

Excused: None.

Total 0

Absent or not voting: Gilbert.

Total 1

Therupon, HB 46 passed as follows:

Ayes: Anderson, Barnett, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Clark, Cobb, DeBruycker, Ellis, Fagg, Feland, Fisher, Foster, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Herron, Hibbard, R. Johnson, Keller, Knox, Mason, Mills, Molnar, T. Nelson, Orr, Peterson, Rehbein, J. Rice, Sayles, Simon, Simpkins, Smith, Spring, Stovall, Tash, Tunby, Vogel, Wagner, Wallin, Winslow, Wiseman, Zook, Mr. Speaker.

Total 51

Noes: Bachini, Bardanouve, Barnhart, Brooke, Brown, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Endy, Ewer, Galvin, Gervais, Hansen, Harper, Harrington, J. Johnson, Kadas, Kasten, Larson, McCaffree, McCarthy, McCulloch, Menahan, L. Nelson, Pavlovich, Peck, Quilici, Raney, Ream, S. Rice, Rose, Russell, Ryan, Schwinden, Schye, Squires, Stanford, Strizich, Swanson, Toole, Tuss, Wanzenried, Whalen, Wyatt.

Total 48

Voted Absentee: Simon, Winslow, Ayes.

Excused: None.

Total 0

Absent or not voting: Gilbert.

Total 1

**HB 3** - Representative Cobb moved HB 3, second reading copy, be amended as follows (amendment #1):

1. Page 4, line 2.

Strike: "368,072"

Insert: "259,526"

2. Page 4, line 4.

Strike: "8,415,196"

Insert: "7,890,742"

LFA will amend totals.

Amendment #1 passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Clark, Cobb, Cocchiarella, Davis, DeBruycker, Elliott, Ellis, Ewer, Fagg, Feland, Fisher, Foster, Gilbert, Grady, Grimes, H.S. Hanson, M. Hanson, Harper, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Mason, McCaffree, Menahan, Mills, Molnar, T. Nelson, Orr, Peck, Peterson, Raney, Rehbein, S. Rice, Rose, Sayles, Schwinden, Schye, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Swanson, Tash, Toole, Tunby, Vogel, Wagner, Wallin, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 72

Noes: Bergsagel, Brown, Daily, Dolezal, Dowell, Driscoll, Endy, Galvin, Gervais, Hansen, Harrington, Larson, McCarthy, McCulloch, L. Nelson, Pavlovich, Quilici, Ream, Russell, Ryan, Strizich, Tuss, Wanzenried, Whalen.

Total 24

Excused: Simon, Winslow.

Total 2

Absent or not voting: Grinde, J. Rice.

Total 2

Representative Cobb moved HB 3, second reading copy, be further amended as follows (amendment #2):

1. Page 6, following line 22.

Insert: "NEW SECTION. Section 5. Agency not to record certain general fund encumbrances. An agency, as defined in 17-7-102 (2), that receives a general fund supplemental appropriation in [this act] for fiscal year 1992-93 may not record general fund encumbrances that are required by generally excepted accounting principles to be reported as a reservation of fund balance and that are commonly known as "A" accruals as expenditures."

Renumber: subsequent sections

Amendment #2 passed as follows:



Ayes: Anderson, Bachini, Bardanoue, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Clark, Cobb, Davis, DeBruycker, Dolezal, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Gilbert, Grady, Grimes, H.S. Hanson, M. Hanson, Harper, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, Rose, Ryan, Sayles, Schwinden, Schye, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 84

Noes: Brooke, Brown, Cocchiarella, Dowell, Galvin, Gervais, Hansen, Harrington, S. Rice, Russell, Whalen.

Total 11

Excused: Simon, Winslow.

Total 2

Absent or not voting: Daily, Grinde, Pavlovich.

Total 3

Representative Cobb moved HB 3, as amended, do pass. Motion carried as follows:

Ayes: Anderson, Bardanoue, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Bohlinger, Brandewie, Clark, Cobb, Davis, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Grady, Grimes, Grinde, H.S. Hanson, Harper, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, Menahan, Mills, L. Nelson, Orr, Pavlovich, Peterson, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Sayles, Schye, Smith, Spring, Squires, Stanford, Stovall, Swanson, Tash, Toole, Tunby, Vogel, Wagner, Wallin, Winslow, Wiseman, Zook, Mr. Speaker.

Total 68

Noes: Bachini, Boharski, Brooke, Brown, Cocchiarella, Daily, DeBruycker, Dolezal, Dowell, Feland, Galvin, Gervais, Gilbert, Hansen, Harrington, McCaffree, McCarthy, McCulloch, Molnar, T. Nelson, Peck, Quilici, Ryan, Schwinden, Simpkins, Strizich, Tuss, Wanzenried, Whalen, Wyatt.

Total 30

Voted Absentee: Winslow, Aye.

Excused: Simon.

Total 1

Absent or not voting: M. Hanson.

Total 1

Representative Grinde moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman Foster moved the adoption of the committee report. Report adopted. (54-40)

### THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 564** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brown, Clark, Cobb, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Fagg, Feland, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peterson, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sayles, Schwinden, Schye, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Wiseman, Zook, Mr. Speaker.  
Total 86

Noes: Brooke, Cocchiarella, DeBruycker, Ewer, Fisher, McCaffree, Peck, S. Rice, Wyatt.  
Total 9

Excused: Simon, Winslow.  
Total 2

Absent or not voting: Bergman, J. Rice, Russell.  
Total 3

**HB 656** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Clark, Cobb, Davis, DeBruycker, Dowell, Driscoll, Elliott, Ellis, Endy, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Mason, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Peck, Peterson, Raney, Ream, Rehbein, S. Rice, Rose, Russell, Sayles, Schwinden, Schye, Simpkins, Spring, Squires, Stanford, Stovall, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Wiseman, Zook, Mr. Speaker.  
Total 81

Noes: Brown, Cocchiarella, Daily, Dolezal, Ewer, Harrington, Larson, McCaffree, McCarthy, McCulloch, Pavlovich, Quilici, Ryan, Smith, Strizich, Wyatt.  
Total 16

Excused: Simon, Winslow.

Total 2

Absent or not voting: J. Rice.

Total 1

**HB 659** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brown, Clark, Cobb, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Peck, Peterson, Quilici, Raney, Rehbein, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 90

Noes: Barnhart, Brooke, Cocchiarella, Hansen, McCaffree, Pavlovich, Ream.  
Total 7

Excused: Simon, Winslow.

Total 2

Absent or not voting: J. Rice.

Total 1

**SB 138** concurred in as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brooke, Brown, Cobb, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Wiseman, Zook, Mr. Speaker.  
Total 91

Noes: Bergsagel, Brandewie, Clark, Cocchiarella, M. Hanson, Schye, Wyatt.  
Total 7

Excused: Simon, Winslow.

Total 2

Absent or not voting: None.

Total 0

**SB 150** concurred in as follows:

Ayes: Anderson, Bachini, Bardanoue, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Grady, Grimes, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 92

Noes: Clark, DeBruycker, Feland, Gilbert, Grinde.

Total 5

Excused: Simon, Winslow.

Total 2

Absent or not voting: Orr.

Total 1

**SB 173** concurred in as follows:

Ayes: Anderson, Bardanoue, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Galvin, Gervais, Grady, Grimes, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Pavlovich, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simpkins, Smith, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Wallin, Wanzenried, Whalen, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 83

Noes: Bachini, Barnett, DeBruycker, Driscoll, Feland, Foster, Gilbert, Grinde, Kasten, Orr, Peck, Rehbein, Spring, Vogel, Wagner.

Total 15

Excused: Simon, Winslow.

Total 2

Absent or not voting: None.

Total 0

**SB 190** concurred in as follows:



Ayes: Anderson, Bachini, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Elliott, Ellis, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Russell, Ryan, Sayles, Schye, Simpkins, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 85

Noes: Bardanouve, Barnett, Barnhart, Clark, DeBruycker, Driscoll, Endy, Gilbert, Schwinden, Whalen.

Total 10

Excused: Simon, Winslow.

Total 2

Absent or not voting: Mason, Rose, Smith.

Total 3

**SB 244** concurred in as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Wiseman, Zook, Mr. Speaker.

Total 96

Noes: Bergsagel.

Total 1

Excused: Simon, Winslow.

Total 2

Absent or not voting: Wyatt.

Total 1

**SB 322** concurred in as follows:

Ayes: Anderson, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Cobb, Daily, Davis, Dolezal, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Foster, Galvin,

Gilbert, Grady, Grimes, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, T. Nelson, Orr, Pavlovich, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Ryan, Sayles, Schye, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Wiseman, Zook, Mr. Speaker.  
Total 81

Noes: Bachini, Bergsagel, Clark, Cocchiarella, DeBruycker, Dowell, Fisher, Gervais, Grinde, Herron, L. Nelson, Peck, Rose, Russell, Schwinden, Whalen, Wyatt.  
Total 17

Excused: Simon, Winslow.  
Total 2

Absent or not voting: None.  
Total 0

**SB 325** concurred in as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 97

Noes: Bergsagel.  
Total 1

Excused: Simon, Winslow.  
Total 2

Absent or not voting: None.  
Total 0

**SB 418** concurred in as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Grady, Grimes, Hansen, H.S. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, Kadas, Kasten, Keller, Knox, McCaffree, McCarthy, McCulloch, Menahan,

Mills, L. Nelson, T. Nelson, Pavlovich, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Schwinden, Schye, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wallin, Wanzenried, Whalen, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 81

Noes: Bergsagel, Brandewie, Davis, Feland, Gilbert, Grinde, M. Hanson, R. Johnson, Larson, Mason, Orr, Peck, Rehbein, Ryan, Sayles, Wagner.  
Total 16

Excused: Simon, Winslow.  
Total 2

Absent or not voting: Molnar.  
Total 1

**HB 505** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnhart, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Larson, McCaffree, McCarthy, McCulloch, Menahan, L. Nelson, T. Nelson, Pavlovich, Peck, Quilici, Raney, Ream, J. Rice, S. Rice, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Squires, Stanford, Strizich, Swanson, Tash, Toole, Tuss, Wanzenried, Whalen, Wiseman, Wyatt, Zook.  
Total 72

Noes: Barnett, Benedict, Bergman, Clark, DeBruycker, Feland, Grinde, Hayne, Herron, Kasten, Mason, Mills, Molnar, Orr, Peterson, Rehbein, Rose, Simpkins, Smith, Spring, Stovall, Tunby, Vogel, Wagner, Wallin.  
Total 25

Voted Absentee: Simon, Aye.

Excused: Winslow.  
Total 1

Absent or not voting: Ellis, Mr. Speaker.  
Total 2

**HB 592** passed as follows:

Ayes: Bardanouve, Barnett, Barnhart, Bergman, Bird, Bohlinger, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, Dolezal, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Foster, Gervais, Gilbert, Grimes, Hansen, H.S. Hanson, Harper, Harrington, Herron, Hibbard, J. Johnson, Kadas, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, T. Nelson, Pavlovich, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Vogel, Wallin, Whalen, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 74

Noes: Anderson, Bachini, Benedict, Bergsagel, Boharski, Brandewie, Cobb, DeBruycker, Dowell, Feland, Galvin, Grady, Grinde, M. Hanson, Hayne, R. Johnson, Kasten, L. Nelson, Orr, Peck, Rehbein, Tuss, Wagner, Wanzenried.

Total 24

Voted Absentee: Simon, Aye.

Excused: Winslow.

Total 1

Absent or not voting: Fisher.

Total 1

**SJR 16** concurred in as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Grimes, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Wagner, Wallin, Wanzenried, Whalen, Wyatt, Zook, Mr. Speaker.

Total 87

Noes: Bergman, DeBruycker, Feland, Gilbert, Grinde, Hayne, Molnar, Rehbein, Vogel, Wiseman.

Total 10

Excused: Simon, Winslow.

Total 2

Absent or not voting: Grady.

Total 1

### **MOTIONS**

Representative Grinde moved the House accede to the request of the Senate to appoint a free conference committee to meet with a like committee from the Senate to confer on SB 14. Motion carried.

Mr. Speaker appointed the following members:

Representative Clark, Chairman

Representative Ryan

Representative Smith



Representative Grinde moved the House accede to the request of the Senate to appoint a conference committee to meet with a like committee from the Senate to confer on House amendments to SB 58. Motion carried.

Mr. Speaker appointed the following members:

Representative M. Hanson, Chairman  
Representative Vogel  
Representative Pavlovich

### REPORTS OF STANDING COMMITTEES

AGRICULTURE, LIVESTOCK, AND IRRIGATION (Keller, Chairman):

3/17/93

**SB 98**, third reading copy, be amended as follows:

Amend House Committee on Agriculture, Livestock, and Irrigation report dated February 1, 1993, as follows:

Strike: House Committee on Agriculture, Livestock, and Irrigation report, sponsored by Rep. Schwinden, in its entirety.

Further amend Senate Bill No. 98, third reading copy, as follows:

1. Title, line 10.

Following: "DATE"

Insert: "AND A TERMINATION DATE"

2. Page 1, line 14.

Following: "granted in"

Insert: "80-5-202(8) and in"

3. Page 1, line 17.

Following: "laws"

Insert: "and rules establishing a seed dealer's license fee"

4. Page 1, line 22.

Following: "violations."

Insert: "It is further intended that the department establish a two-tiered license fee schedule under which a licensee with gross annual sales of \$5,000 or less shall pay a lower fee than a licensee with gross annual sales in excess of \$5,000."

5. Page 2, line 7.

Following: "media."

Insert: "(1) 'Advertise' means to offer seed or grain for sale by means of newspapers, magazines, pamphlets, signs, or other printed media or by radio, television, or other electronic media."

Renumber: subsequent subsections

6. Page 2, line 19.

Strike: "varietal identification."

Following: "guaranty"

Strike: " "

7. Page 3, line 5.

Strike: "(4)(A)"

Insert: "(5)(a)"

8. Page 8, line 4.

Strike: "and"

9. Page 8, line 6.

Following: "~~and~~"

Insert: "a Montana-certified seed grower when selling certified seed from the grower's own production; and"

10. Page 8, line 7.

Following: "~~(e)~~"

Insert: "(c)"

Following: "seed"

Insert: "seed"

11. Page 8, line 8.

Following: "~~advertised~~"

Insert: "that are not advertised by varietal identification;

(d) a person, who at the conclusion of planting, sells less than 200 bushels of treated seed; and

(e) a Montana seed grower when selling seed from the grower's own production to a licensed seed dealer"

12. Page 8, line 17.

Strike: "\$200"

Insert: "\$150"

13. Page 8, line 18.

Following: "year."

Insert: "The department shall establish by rule a lower license fee for a seed dealer with gross annual sales of \$5,000 or less."

14. Page 12.

Following: line 7

Insert: "NEW SECTION. Section 6. Termination. [This act] terminates June 30, 1995."

And, as amended, be concurred in. Report adopted.

**SB 334**, third reading copy, be amended as follows:

1. Title, line 17.

Following: "PESTICIDES;"

Insert: "ALLOWING FOR CERTAIN LOCAL GOVERNMENT REGULATION OF PESTICIDES;"

2. Page 10.

Following: line 7

Insert: "(6) The department shall consult affected local governments before implementing the collection program under this section."

3. Page 23, line 19.

Strike: "annual"

And, as amended, be concurred in. Report adopted.

EDUCATION AND CULTURAL RESOURCES (H. S. Hanson, Chairman):

3/18/93

**HB 667**, introduced bill, be amended as follows:

1. Title, page 2, line 5.

Strike: "303"

Insert: "198"

2. Title, page 2, line 15.

Following: "FUND;"

Insert: "PROVIDING THAT THE FUND BALANCE IN THE EQUALIZATION AID ACCOUNT BE TRANSFERRED TO THE GENERAL FUND AT THE END OF EACH FISCAL YEAR; REMOVING THE TERMINATION DATE IN SECTION 6, CHAPTER 14, SPECIAL LAWS OF JANUARY 1992, TO ALLOW INCOME FROM THE SALE OF TIMBER FROM STATE SCHOOL LANDS TO CONTINUE TO BE DEPOSITED IN THE SCHOOL EQUALIZATION ACCOUNT; REVISING THE DISTRIBUTION SCHEDULE FOR STATE EQUALIZATION AID;"

3. Title, page 2, line 22.

Following: "MCA,"

Insert: "SECTION 6, CHAPTER 14, SPECIAL LAWS OF JANUARY 1992,"

4. Page 7, line 17.

Strike: "2,000"

Insert: "1,000"

5. Page 7, line 18.

Strike: "2,000"

Insert: "1,000"

6. Page 7, line 19.

Strike: "2,000TH"

Insert: "1,000th"

7. Page 9, line 2.

Strike: "act"

Insert: "section"

8. Page 22, lines 5 and 6.

Following: "~~schedules~~" on line 5

Strike: remainder of line 5 through "support" on line 6

Following: "of"

Insert: "any general fund budget amount up to"

Following: "budget"

Insert: "level"

9. Page 23, lines 8 and 9.

Following: "~~schedules~~" on line 8

Strike: remainder of line 8 through "support" on line 9

Following: "of"

Insert: "any general fund budget amount up to"

Following: "budget"

Insert: "level"

10. Page 37, line 13 through page 38, line 2.

Strike: subsection (7) in its entirety

11. Page 68, lines 15 through 17.

Following: "account" on line 15

Strike: remainder of line 15 through "biennium" on line 17

Insert: "at the end of a fiscal year must be transferred to the general fund"

12. Page 71, line 19.

Following: "year,"

Insert: "one-half of"

13. Page 71, line 21.

Following: "aid"

Insert: ", and on the following July 15, the remaining payment to each district of state equalization aid, excluding any guaranteed tax base aid for the school fiscal year ending on the preceding June 30"

14. Page 81, line 20.

Strike: "303%"

Insert: "198%"

15. Page 85, line 14.

Following: line 13

Insert: "Section 39. Section 6, Chapter 14, Special Laws of January 1992, is amended to read:

"Section 6. Effective date —~~termination~~. [This act] is effective on passage and approval, ~~and [sections 3 through 5] terminate June 30, 1993.~~"

Renumber: subsequent section

And, as amended, do pass. Report adopted.

JUDICIARY (Fagg, Chairman):

3/18/93

**SB 37**, third reading copy, be amended as follows:

1. Page 2, line 5.

Strike: "AND"

Following: "PICKET"

Insert: ", to peacefully protest, to distribute literature, and to lawfully communicate with persons in public places,"



2. Page 2.

Following: line 25

Insert: "(2) This section does not apply to a constitutionally protected activity."

Renumber: subsequent subsections

3. Page 9, lines 15 and 16.

Strike: "prosecuting" on line 15 through "or the" on line 16

Strike: "in the absence of the prosecuting attorney," on line 16

4. Page 9, line 17.

Strike: "immediately"

Insert: ", as soon as possible under the circumstances, make one and if necessary more reasonable attempts, by means that include but are not limited to certified mail, to "

And, as amended, be concurred in. Report adopted.

#### **ANNOUNCEMENTS**

Committee meetings were announced by committee chairmen.

Representative Grinde moved the House adjourn until 8:00 a.m., Friday, March 19, 1993. Motion carried.

House adjourned at 3:01 p.m.

John Mercer, Speaker

Marilyn Miller, Chief Clerk

## SIXTY-SECOND LEGISLATIVE DAY

Helena, Montana  
March 19, 1993

House Chambers  
State Capitol

House convened at 8:00 a.m. Mr. Speaker in the Chair. Invocation by Representative Rehbein. Pledge of Allegiance to the Flag.

Roll call. All members present except Simon, excused. Quorum present.

### REPORTS OF STANDING COMMITTEES

BILLS (Hayne, Chairman): 3/19/93  
Correctly printed for second reading: HB 2. 3/17/93  
Correctly printed for second reading: HB 12, HB 145, HB 549, HB 647,  
HB 660, HB 667, HB 668, HJR 18.  
Correctly engrossed for third reading: HB 3, HB 46, SB 121.  
Correctly enrolled: HB 68, HB 98, HB 110, HB 112, HB 123, HB 153,  
HB 187, HB 213, HB 244, HB 247, HB 250, HB 256, HB 269,  
HB 293, HB 435, HB 650, HJR 12.

### MESSAGES FROM THE GOVERNOR

The Honorable John Mercer  
Speaker of the House  
State Capitol  
Helena, Montana 59620

March 18, 1993

Dear Representative Mercer:

Please be informed that I have signed House Bills 35, 43, 58, 93, 104, 111, 122, 125, 127 and 291 on March 18, 1993.

Sincerely,

MARC RACICOT  
Governor

### FIRST READING AND COMMITMENT OF BILLS AND RESOLUTIONS

The following House bill was introduced, read first time, and referred to committee:

**HB 687**, introduced by Elliott, Tash, referred to Committee on Taxation

Representative Grinde moved the House recess until 9:10 a.m. Motion carried.

House recessed at 8:07 a.m.

House reconvened at 9:10 a.m. Mr. Speaker in the Chair.

### THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 428** passed as follows:

Ayes: Anderson, Bardanouve, Barnett, Barnhart, Bergman, Bergsagel, Bird, Bohlinger, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Elliott, Ellis, Endy, Fagg, Fisher, Foster, Galvin, Gervais, Grady, Grimes, Grinde, Hansen, H.S. Hanson, Harper, Harrington, Hibbard, J. Johnson, R. Johnson, Kadas, Knox, Larson, McCaffree, McCarthy, McCulloch, Menahan, Orr, Pavlovich, Peck, Quilici, Raney, Ream, J. Rice, S. Rice, Russell, Ryan, Sayles, Schwinden, Schye, Squires, Stanford, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Wallin, Wanzenried, Whalen, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 70

Noes: Bachini, Benedict, Boharski, Brandewie, DeBruycker, Driscoll, Ewer, Feland, Gilbert, M. Hanson, Hayne, Herron, Kasten, Keller, Mason, Mills, Molnar, L. Nelson, T. Nelson, Peterson, Rehbein, Rose, Simpkins, Smith, Spring, Stovall, Vogel, Wagner, Winslow.

Total 29

Excused: Simon.

Total 1

Absent or not voting: None.

Total 0

**HB 579** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hibbard, J. Johnson, R. Johnson, Kadas, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, L. Nelson, T. Nelson, Pavlovich, Peck, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Schwinden, Schye, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 81

Noes: Bergman, Bergsagel, Clark, DeBruycker, Feland, Gilbert, Hayne, Herron, Kasten, Keller, Knox, Mills, Molnar, Orr, Peterson, Rehbein, Sayles, Vogel.

Total 18

Excused: Simon.

Total 1

Absent or not voting: None.

Total 0

**HB 645** passed as follows:

March 19, 1993

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Endy, Ewer, Fagg, Feland, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, Harper, Harrington, Herron, Hibbard, J. Johnson, Kadas, Keller, Knox, Larson, McCaffree, McCarthy, McCulloch, Menahan, Mills, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Schwinden, Schye, Simpkins, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wallin, Whalen, Wiseman, Zook, Mr. Speaker.  
Total 83

Noes: Boharski, Fisher, H.S. Hanson, M. Hanson, Hayne, R. Johnson, Kasten, Molnar, Sayles, Smith, Wagner, Wanzenried, Winslow, Wyatt.  
Total 14

Excused: Simon.  
Total 1

Absent or not voting: Ellis, Mason.  
Total 2

**SB 68** concurred in as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Ryan, Sayles, Schwinden, Schye, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 90

Noes: Brooke, Brown, Driscoll, Gervais, Menahan, Russell, Strizich, Whalen.  
Total 8

Excused: Simon.  
Total 1

Absent or not voting: Barnett.  
Total 1

**SB 103** concurred in as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Elliott, Endy, Ewer, Fagg, Fisher, Foster, Grady, Grimes, Grinde, Hansen,



H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Russell, Ryan, Sayles, Schwinden, Schye, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Winslow, Wiseman, Zook, Mr. Speaker.  
Total 89

Noes: Driscoll, Ellis, Feland, Galvin, Gervais, Gilbert, Peck, Rose, Whalen, Wyatt.  
Total 10

Excused: Simon.  
Total 1

Absent or not voting: None.  
Total 0

**SB 124** concurred in as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 94

Noes: DeBruycker, Gilbert, Rehbein.  
Total 3

Excused: Simon.  
Total 1

Absent or not voting: Feland, Kasten.  
Total 2

**SB 139** concurred in as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bohlinger, Brandewie, Brooke, Brown, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Foster, Galvin, Gervais, Grady, Grimes, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, Kadas, Kasten, Knox, Larson, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Pavlovich, Peck, Quilici, Raney, Ream,

J. Rice, S. Rice, Rose, Russell, Ryan, Schwinden, Schye, Simpkins, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Zook, Mr. Speaker.

Total 78

Noes: Bird, Boharski, Clark, Ewer, Fagg, Feland, Fisher, Gilbert, Grinde, R. Johnson, Keller, Mason, Orr, Peterson, Rehbein, Sayles, Smith, Spring, Winslow, Wiseman, Wyatt.

Total 21

Excused: Simon.

Total 1

Absent or not voting: None.

Total 0

**SB 149** concurred in as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 97

Noes: Gilbert.

Total 1

Excused: Simon.

Total 1

Absent or not voting: Ellis.

Total 1

**SB 166** concurred in as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose,

Russell, Ryan, Sayles, Schwinden, Schye, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 99

Noes: None.  
Total 0

Excused: Simon.  
Total 1

Absent or not voting: None.  
Total 0

**SB 218** concurred in as follows:

Ayes: Anderson, Barnett, Benedict, Bergman, Bird, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Daily, Davis, DeBruycker, Elliott, Ellis, Fagg, Fisher, Foster, Gilbert, Grady, Grinde, H.S. Hanson, M. Hanson, Hayne, Herron, Hibbard, R. Johnson, Keller, Knox, Larson, Mason, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Pavlovich, Peterson, Ream, Rehbein, J. Rice, Rose, Sayles, Simpkins, Smith, Spring, Stovall, Swanson, Tash, Tunby, Tuss, Wagner, Wallin, Wiseman, Zook.  
Total 56

Noes: Bachini, Bardanouve, Barnhart, Boharski, Cocchiarella, Dolezal, Dowell, Driscoll, Endy, Ewer, Feland, Galvin, Gervais, Grimes, Hansen, Harper, Harrington, J. Johnson, Kadas, Kasten, McCaffree, McCarthy, McCulloch, Orr, Peck, Quilici, Raney, S. Rice, Russell, Ryan, Schwinden, Schye, Squires, Stanford, Strizich, Toole, Vogel, Wanzenried, Whalen, Winslow, Wyatt.  
Total 41

Excused: Simon.  
Total 1

Absent or not voting: Bergsagel, Mr. Speaker.  
Total 2

### **SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)**

Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Daily in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 2** - Representative Zook moved HB 2 do pass.

Representative Peterson explained Section A of HB 2.

Representative Wyatt moved HB 2, Section A, second reading copy, be amended as follows (amendment #1):

1. Page A-17.

Following: line 22

Insert: "The legislature urges the department to examine the concept of constructing or reconstructing the highways leading most directly between Billings and Great Falls, including consideration of the most efficient and effective means of upgrading the Billings-Great Falls highways to be substantially the same quality as the state's interstate highways. The department's consideration of the upgrade should include but not be limited to a cost estimate, a construction schedule, and the means of financing the construction or reconstruction. The department is requested to prepare a written report encompassing the legislature's requests and to make the report available to the legislature on or before December 1, 1994."

Amendment #1 passed as follows:

Ayes: Anderson, Bachini, Bardanoue, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 96

Noes: Kasten, Rehbein, Wagner.  
Total 3

Excused: Simon.  
Total 1

Absent or not voting: None.  
Total 0

Representative Driscoll moved HB 2, Section A, second reading copy, be further amended as follows (amendment #2):

1. Page A-17, following line 10.

Insert: "Of the amount appropriated in item 1, \$41,154 must be repaid to the state compensation mutual insurance fund to reimburse the fund for compensation benefits improperly paid to department of transportation employees who were receiving sick or annual leave benefits. The money received by the state compensation mutual



insurance fund must be deposited in the fund from which the benefits were paid."

This amendment would require the Department of Transportation to pay to the State Fund an amount equal to the amounts billed by the State Fund to certain employees of the Department of Transportation. The bills were to recover compensation benefits paid to employees who were receiving sick and annual leave benefits.

Amendment #2 passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 97

Noes: Rehbein.  
Total 1

Excused: Simon.  
Total 1

Absent or not voting: Grady.  
Total 1

Representative Wiseman moved HB 2, Section A, second reading copy, be further amended (amendment #3). Amendment #3 failed as follows: (28-66)

Representative L. Nelson moved HB 2, Section A, second reading copy, be further amended (amendment #4). Amendment #4 failed as follows: (45-54)

Representative Barnhart moved HB 2, Section A, second reading copy, be further amended as follows (amendment #5):

1. Page A-6, following line 5.  
Insert: "8. Mental Disabilities Board of Visitors (20)"  
"75,000"[gen. fund] "54,437"[federal]  
"75,000"[gen. fund] "54,656" [federal]  
Renummer: subsequent subsection

LFA will adjust totals.

This amendment restores part of the Mental Disabilities Board of Visitors program in the Governor's Office, including \_\_\_\_ FTE of the original 4.5

FTE. The portion restored is the legal representation of patients and patient funds management at Warm Springs plus the federal advocacy program, as well as \_\_\_\_\_ [general supervision], [board administrative costs], [on-site review of facilities], [the state general advocacy program]. The biennial cost of this amendment is \$150,000 general fund and \$109,093 federal funds.

Amendment #5 passed as follows:

Ayes: Anderson, Bardanoue, Barnett, Barnhart, Bergman, Bird, Bohlinger, Brandewie, Brooke, Brown, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Grady, Grimes, Grinde, Hansen, H.S. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Knox, Mason, McCaffree, McCarthy, McCulloch, Menahan, Molnar, L. Nelson, Pavlovich, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simpkins, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Tunby, Tuss, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 77

Noes: Bachini, Bergsagel, Boharski, Clark, DeBruycker, Feland, Gilbert, M. Hanson, Kasten, Keller, Larson, Mills, T. Nelson, Orr, Peck, Rehbein, Smith, Spring, Toole, Vogel, Wagner.  
Total 21

Excused: Simon.  
Total 1

Absent or not voting: Benedict.  
Total 1

Representative Menahan moved HB 2, Section A, second reading copy, be further amended as follows (amendment #6):

1. Page A-12, line 8.			
Strike: "12,631,251"	"154,342"	"12,583,554"	"156,925"
Insert: "12,710,659"	"567,743"	"12,662,962"	"575,230"

2. Page A-16, line 12.			
Strike: "4,244,845"	"429,401"	"4,273,224"	"418,305"
Insert: "4,165,437"	"16,000"	"4,193,816"	"0"

3. Page A-14, following line 5.  
Insert: "The department shall work with the department of transportation to develop a plan for coordination of truck inspection and safety. The plan is to be submitted to the legislative finance committee before June 1, 1994."

LFA will adjust totals.

Amendment #6 passed as follows:

Ayes: Anderson, Bardanouve, Barnhart, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, L. Nelson, Pavlovich, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Tunby, Tuss, Vogel, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 84

Noes: Bachini, Barnett, Benedict, Bergsagel, Brown, Elliott, Feland, Kasten, Molnar, T. Nelson, Orr, Peck, Rehbein, Toole, Wagner.

Total 15

Excused: Simon.

Total 1

Absent or not voting: None.

Total 0

Representative Peterson moved HB 2, Section A, second reading copy, be further amended as follows (amendment #7):

1. Page A-7, line 19.

Strike: "124,062"

Insert: "126,562"

LFA will amend totals.

This amendment adds \$2,500 general fund in fiscal 1994 to the Office of the Commissioner of Political Practices to print and distribute the campaign and finance laws book. House Bill 291 transfers responsibility for this publication to the Commissioner of Political Practices from the Secretary of State's office.

Amendment #7 passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, Menahan, Mills, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Tunby, Tuss, Vogel, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Zook, Mr. Speaker.

Total 87

Noes: Boharski, Feland, Gilbert, Kadas, McCulloch, Molnar, Raney, Schye, Toole, Wagner, Wyatt.  
Total 11

Excused: Simon.  
Total 1

Absent or not voting: Daily.  
Total 1

Representative Menahan moved HB 2, Section A, second reading copy, be further amended (amendment #8). Amendment #8 failed as follows: (46-52)

Representative Wanzenried moved HB 2, Section A, second reading copy, be further amended (amendment #9). Amendment #9 failed as follows: (38-59)

Representative Kadas moved HB 2, Section A, second reading copy, be further amended as follows (amendment #10):

1. Page A-9, following line 13.

Insert: "The fixed cost rates charged to state agencies by the state auditor for warrant writing services (object code 2113) and payroll services (object code 2114) may not be higher than the amount necessary to fund the expenses of the agency for providing those services, as appropriated in the state pay plan and [this act]."

2. Page A-22, following line 10.

Insert: "The fixed cost rates charged to state agencies by the department for network services (object code 2174), messenger services (object code 2307), and rent (object code 2527) may not be higher than the amount necessary to fund the expenses of the department for providing those services, as appropriated in the state pay plan and [this act]."

3. Page C-5, following line 20.

Insert: "The fixed cost rates charged to state agencies by the department for capitol grounds maintenance (object code 2770) may not be higher than the amount necessary to fund the expenses of the department for providing those services, as appropriated in the state pay plan and [this act]."

This amendment would add language under the State Auditor, the Department of Administration, and the Department of Fish, Wildlife, and Parks that specifies that the agency may not charge more in their respective fixed cost rates than is needed to fund their budget for providing the service to other state agencies.

Amendment #10 passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell,



Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Schwinden, Schye, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 94

Noes: Feland, Rehbein, Sayles, Wagner.

Total 4

Excused: Simon.

Total 1

Absent or not voting: Grimes.

Total 1

Representative Schye moved HB 2, Section A, second reading copy, be further amended as follows (amendment #11):

1. Page A-9.

Strike lines 17 and 18 in their entirety

Renumber: subsequent subsection(s)

2. Page A-10.

Strike lines 20 through 25 in their entirety

3. Page B-1.

Strike lines 15 and 16 in their entirety

Renumber: subsequent subsection(s)

4. Page B-6.

Strike lines 12 through 19

5. Page B-7.

Strike lines 16 and 17 in their entirety

Renumber: subsequent subsection(s)

6. Page B-8.

Strike lines 1 and 2 in their entirety

Renumber: subsequent subsection(s)

7. Page B-8.

Strike lines 17 and 18 in their entirety

8. Page B-9.

Strike lines 2 and 3 in their entirety

Renumber: subsequent subsection(s)

9. Page B-9.

Strike lines 23 through 25 in their entirety

10. Page B-10.

Strike lines 1 through 3 in their entirety

11. Page B-20, line 1.

Following: "delivered."

Strike: "If the department recovers funds from refinancing initiatives and collection of parental contributions in excess of \$2,150,000 either year of the 1995 biennium, it is appropriated up to \$1 million in federal funds each year for those excess funds. The department may use these excess funds in any manner it considers necessary."

12. Page C-2.

Strike lines 11 and 12 in their entirety

13. Page C-3.

Strike lines 6 and 7 in their entirety

14. Page C-3.

Strike lines 18 and 19 in their entirety

15. Page C-4.

Strike lines 3 and 4 in their entirety

16. Page C-4.

Strike lines 19 and 20 in their entirety

17. Page C-5.

Strike lines 2 and 3 in their entirety

18. Page C-5.

Strike lines 14 and 15 in their entirety

19. Page C-6.

Strike lines 2 through 8

20. Page C-13.

Strike lines 3 and 4 in their entirety

21. Page C-13.

Strike lines 23 and 24 in their entirety

22. Page D-1.

Strike lines 13 and 14 in their entirety

23. Page D-1.

Strike lines 20 through 24 in their entirety

24. Page D-2, line 8.

Strike: "295,539	815,000"	[State special, federal]
Insert: "245,539	15,000"	[State special, federal]

25. Page D-2.

Strike lines 24 and 25 in their entirety

26. Page D-3.

Strike lines 1 through 3 in their entirety

27. Page D-3.

Strike lines 23 and 24 in their entirety

28. Page D-4.

Strike lines 8 and 9 in their entirety

29. Page D-4.

Strike lines 23 through 25 in their entirety

30. Page D-5.

Strike lines 1 and 2 in their entirety

31. Page D-5.

Strike lines 12 and 13 in their entirety

32. Page D-5.

Strike lines 20 and 21 in their entirety

33. Page D-6.

Strike lines 1 and 2 in their entirety

34. Page D-6.

Strike lines 14 through 18 in their entirety

LFA will amend totals.

This amendment eliminates all legislative contract authority.

Amendment #11 passed as follows:

Ayes: Bachini, Bardanouve, Barnett, Barnhart, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Grimes, Grinde, Hansen, M. Hanson, Harper, Harrington, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, L. Nelson, T. Nelson, Pavlovich, Peck, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wallin, Wanzenried, Whalen, Winslow, Wyatt, Mr. Speaker.

Total 78

Noes: Anderson, Benedict, Cobb, DeBruycker, Feland, Gilbert, Grady, H.S. Hanson, Hayne, Herron, Kasten, Molnar, Orr, Peterson, Rehbein, Simpkins, Smith, Spring, Wagner, Wiseman, Zook.

Total 21

Excused: Simon.  
Total 1

Absent or not voting: None.  
Total 0

Representative Kadas moved HB 2, Section A, second reading copy, be further amended as follows (amendment #12):

1. Page A-6, line 7.  
Strike: "17,694                      17,715"                      [federal]
2. Page A-10, line 11.  
Strike: "23,323                      23,378"                      [federal]
3. Page A-11, line 5.  
Strike: "10,512                      10,534"                      [federal]
4. Page A-13, line 11.  
Strike: "34,943                      35,140"                      [federal]
5. Page A-17, line 7.  
Strike: "1,212,081                      1,215,258"                      [federal]
6. Page A-18, line 22.  
Strike: "11,918                      11,812"                      [federal]
7. Page A-21, line 13.  
Strike: "788,362                      781,525"                      [federal]
8. Page A-21, line 23.  
Strike: "883                      884"                      [federal]
9. Page A-26, line 9.  
Strike: "94,664                      93,876"                      [federal]
10. Page B-6, line 3.  
Strike: "356,063                      353,916"                      [federal]
11. Page B-9, line 19.  
Strike: "542,983                      554,297"                      [federal]
12. Page B-14, line 3.  
Strike: "800,052                      829,787"                      [federal]
13. Page B-18, line 24.  
Strike: "188,559                      157,873"                      [federal]
14. Page C-1, line 18.  
Strike: "1,101                      1,057"                      [federal]
15. Page C-5, line 17.  
Strike: "240,212                      212,536"                      [federal]



16. Page C-8, line 21. Strike: "77,367	77,636"	[federal]
17. Page C-10, line 17. Strike: "13,533	13,677"	[federal]
18. Page C-13, line 6. Strike: "41,542	40,089"	[federal]
19. Page C-16, line 11. Strike: "19,698	18,149"	[federal]
20. Page C-21, line 11. Strike: "51,284	51,397"	[federal]
21. Page D-1, line 16. Strike: "9,211	5,836"	[federal]
22. Page D-2, line 14. Strike: "23,527	9,004"	[federal]
23. Page D-4, line 19. Strike: "12,452	12,485"	[federal]
24. Page D-6, line 10. Strike: "26,687	28,164"	[federal]
25. Page E-4, line 2. Strike: "107,711	108,272"	[federal]
26. Page E-5, line 24. Strike: "4,731	4,761"	[federal]
27. Page E-6, line 13. Strike: "4,674	4,679"	[federal]
28. Page E-7, line 24. Strike: "82,025	85,450"	[federal]
29. Page E-8, line 1. Strike: "16,405	17,090"	[federal]

This amendment eliminates all federal appropriations for personal services reduction efficiencies and personal services contingencies.

Amendment #12 passed as follows:

Ayes: Bachini, Bardanoue, Barnhart, Bird, Bohlinger, Brooke, Brown, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Galvin, Gervais, Hansen, Harper, Harrington, J. Johnson, R. Johnson, Kadas, Larson, McCaffree, McCarthy, McCulloch, Menahan, Molnar, L. Nelson, Pavlovich, Peck, Quilici, Raney, Ream, S. Rice, Russell,

Ryan, Schwinden, Schye, Squires, Stanford, Strizich, Swanson, Toole, Tuss, Wallin, Wanzenried, Whalen, Wyatt.  
Total 53

Noes: Anderson, Barnett, Benedict, Bergman, Bergsagel, Boharski, Brandewie, Clark, Cobb, DeBruycker, Feland, Fisher, Foster, Gilbert, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Herron, Hibbard, Kasten, Keller, Knox, Mason, Mills, T. Nelson, Orr, Peterson, Rehbein, J. Rice, Rose, Sayles, Simpkins, Smith, Spring, Stovall, Tash, Tunby, Vogel, Wagner, Winslow, Wiseman, Zook, Mr. Speaker.  
Total 46

Excused: Simon.  
Total 1

Absent or not voting: None.  
Total 0

Representative Cobb moved HB 2, Section A, second reading copy, be further amended as follows (amendment #13):

1. Page A-15, line 9.  
Strike: "50,041,898"           "50,296,784"  
Insert: "50,141,898"       "50,396,784"

LFA will adjust totals.

This amendment adds \$100,000 highways state special revenue each year in the Maintenance Program of the Department of Transportation for the purpose of purchasing biological agents for noxious weed control along highways and roadsides.

Amendment #13 passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnhart, Benedict, Bergman, Bergsagel, Bird, Bohlinger, Brandewie, Brown, Clark, Cobb, Daily, Davis, DeBruycker, Driscoll, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gilbert, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Harper, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Molnar, T. Nelson, Orr, Pavlovich, Peterson, Quilici, Raney, J. Rice, Rose, Sayles, Schwinden, Schye, Simpkins, Stanford, Stovall, Swanson, Tash, Toole, Tunby, Vogel, Wallin, Winslow, Wiseman, Zook, Mr. Speaker.  
Total 70

Noes: Barnett, Boharski, Brooke, Cocchiarella, Dolezal, Dowell, Elliott, Gervais, Hansen, Harrington, Kasten, Menahan, Mills, L. Nelson, Peck, Ream, Rehbein, S. Rice, Russell, Ryan, Smith, Squires, Strizich, Tuss, Wagner, Wanzenried, Whalen, Wyatt.  
Total 28

Excused: Simon.  
Total 1

Absent or not voting: Spring.  
Total 1

Representative Grinde moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair.

### REPORTS OF STANDING COMMITTEES

APPROPRIATIONS (Zook, Chairman):

3/19/93

**HB 5**, introduced bill, be amended as follows:

1. Title, line 8.

Following: " ;"

Insert: "AUTHORIZING THE CREATION OF STATE DEBT BY THE  
ISSUANCE OF BONDS; AMENDING SECTION 6, HOUSE BILL NO.  
777, LAWS OF 1989; SECTION 1, CHAPTER 624, LAWS OF 1991;  
SECTION 12, CHAPTER 774, LAWS OF 1991; AND SECTION 3,  
CHAPTER 17, SPECIAL LAWS OF JULY 1992;"

2. Page 2, line 6.

Following: "Statewide"

Insert: "(5)"

3. Page 2, line 7.

Following: "Statewide"

Insert: "(10)"

4. Page 2, line 8.

Following: "Complex"

Insert: "(11)"

5. Page 2, line 10.

Following: "Division"

Insert: "(14)"

6. Page 2, line 11.

Following: "Complex"

Insert: "(17)"

7. Page 2, line 13.

Following: "Complex"

Insert: "(19)"

8. Page 2, line 21.

Following: "Hospital"

Insert: "(1)"

9. Page 2, line 23.

Following: "Services"

Insert: "(9)"

10. Page 2, line 25.

Following: "Aged"  
Insert: "(15)"

11. Page 2, line 28.  
Following: "Blind"  
Insert: "(18)"

12. Page 3, line 4.  
Following: "School"  
Insert: "(2)"

13. Page 3, line 6.  
Following: "School"  
Insert: "(4)"

14. Page 3, line 8.	
Strike: "596,215	State Special Revenue"
Insert: "172,500	State Special Revenue
111,215	State Special Revenue-Other
200,000	State Special Revenue-Motor Fuels Tax"

15. Page 3, line 9.  
Strike: "403,785"  
Insert: "516,285"

16. Page 3, line 10.	
Strike: "1,180,000	State Special Revenue"
Insert: "264,000	State Special Revenue
716,000	State Special Revenue-Other
200,000	State Special Revenue-Motor Fuels Tax"

17. Page 3, line 12.	
Strike: "2,000,000	State Special Revenue"
Insert: "168,000	State Special Revenue
1,732,000	State Special Revenue-Other
100,000	State Special Revenue-Motor Fuels Tax"

18. Page 3, line 13.	
Strike: "350,000	State Special Revenue"
Insert: "150,000	State Special Revenue-Other
200,000	State Special Revenue-Motor Fuels Tax"

19. Page 3, line 14.  
Following: "Revenue"  
Insert: "-Other"

20. Page 3, following line 20.		
Insert: "Site Protection and		
Improvements to Thompson		
Chain of Lakes	150,000	State Special Revenue
	300,000	Federal Special Revenue"



21. Page 4, following line 5.

Insert: "Upgrade Wildlife Rehabilitation  
Center 200,000

State Special Revenue-  
Donations"

22. Page 4, lines 7 and 8.

Strike: lines 7 and 8 in their entirety

23. Page 4, following line 9.

Insert: "Preliminary Design to Expand and  
Renovate Job Services,  
Statewide 50,000

Federal Special Revenue"

24. Page 4, line 14.

Following: "Statewide"

Insert: "(16)"

25. Page 4, line 15.

Strike: "60,000"

Insert: "75,000"

26. Page 4, line 16.

Strike: "60,000"

Insert: "75,000"

27. Page 4, line 25.

Following: "University"

Insert: "(3)"

28. Page 4, line 26.

Following: "Tech"

Insert: "(6)"

29. Page 4, line 28.

Following: "University"

Insert: "(7)"

30. Page 5, line 2.

Following: "System"

Insert: "(8)"

31. Page 5, line 4.

Following: "Montana"

Insert: "(12)"

32. Page 5, line 6.

Following: "College"

Insert: "(13)"

33. Page 5, following line 10.

Insert: "Gas Bypass at Mount  
Sentinel-UM 500,000

Higher Education"

34. Page 5, following line 12.

Insert: "Animal Science Machine  
Shop-Bozeman Agricultural  
Research Center                      400,000                      Higher Education"

35. Page 5, line 12.

Following: line 11

Insert: "(2) The projects funded by LRBPF in [section 6] and this section are to be funded in priority order. The priority number is shown after the project name in parentheses. In the event there is insufficient revenue to fund all of the projects, the projects must be funded in priority order."

Renumber: subsequent subsection

36. Page 5, line 19.

Following: line 18

Insert: "(4) (a) The appropriations funded by "state special revenue-other" for the first five park projects under the department of fish, wildlife, and parks are contingent on \$2.9 million of new revenue being generated from pending legislation to provide a portion of the state match for the projects. In four of the five projects is \$700,000 of funding from state special revenue-motor fuels tax. These four projects are contingent on passage and approval of Senate Bill No. 257 or any other bill that increases revenue sufficient to fund the projects.

(b) The state parks road improvements project is contingent on passage and approval of Senate Bill No. 257 or any other bill that increases the motor fuels tax sufficient to fund the project.

(c) For the purposes of using in-kind matching values, the amounts listed under state special revenue may be decreased and the amounts listed under federal special revenue may be increased by a like amount for those projects listed under the department of fish, wildlife, and parks.

(5) The amount of \$1,155,000 for the equipment buildings project for the department of transportation is contingent on passage and approval of Senate Bill No. 257 or any other bill that increases the motor fuels tax sufficient to fund the project."

37. Page 6, line 3.

Following: "projects"

Strike: "and"

Insert: ", "

38. Page 6, line 4.

Following: "restoration"

Insert: ", and increasing the water capacity at Como reservoir"

39. Page 6, following line 7.

Insert: "Como Reservoir		
Improvements	100,000	State Special Revenue
	300,000	Federal Special Revenue"

40. Page 6, line 13.

Strike: "\$40,000"

Insert: "\$68,750"

41. Page 6, line 14.

Strike: "120,000"

Insert: "206,250"

42. Page 7, line 3.

Strike: "\$100,000"

Insert: "\$50,000"

43. Page 7, line 3.

Following: "Statewide"

Insert: "(20)"

44. Page 7, following line 11.

Insert: "Language Laboratory		
-UM	350,000	Higher Education Funds"

45. Page 8.

Following: line 6

Insert:"NEW SECTION. Section 9. Appropriation of bonds proceeds and other funds. The following money is appropriated from other appropriated funds to the department of administration for the capital projects described in this section, contingent upon the respective authorization and sale of general obligation long-range building program bonds by the 53rd legislature and the board of examiners.

<u>Agency/Project</u>	<u>LRBPF</u>	<u>Other Appropriated Funds</u>
DEPARTMENT OF LABOR & INDUSTRY		
Expand and Construct Job Services		
Statewide	\$1,500,000	
COMMISSIONER OF HIGHER EDUCATION		
Purchase Butte Vo-Tech	2,000,000	
DEPARTMENT OF ADMINISTRATION		
SRS Commodities Warehouse	1,700,000	
DEPARTMENT OF CORRECTIONS AND HUMAN SERVICES		
Improvements at Women's Correctional Center, MT State Hospital	260,000	

NEW SECTION. Section 10. Authorization of bonds. The board of examiners is authorized to issue and sell general obligation long-range building program bonds in an amount not exceeding \$5,460,000 for the projects described in [section 9] over and above the amount of general obligation long-range building program bonds outstanding on January 1, 1993, to be used in accordance with the terms and in the manner required by Title 17,

chapter 5, part 8. The authority granted to the board by this section is in addition to any other authorization to the board to issue and sell general obligation long-range building program bonds.

NEW SECTION. Section 11. Agreement with department of labor and industry. For the proceeds of bonds and notes authorized and appropriated by [this act] for the expansion and renovation of job service offices, statewide, the board of examiners and the department of labor and industry may enter into an agreement under the terms of which the department shall pay the state treasurer, for deposit in accordance with 17-2-101 through 17-2-107, as determined by the state treasurer, an amount sufficient to pay the principal and interest as due on the bonds and notes from which the appropriation was made and to accommodate and maintain reserves required under the bonds. The agreement must further provide that income from the investment of bond proceeds, unused principal, and the reserves not required for construction or renovation costs may be credited against the department's payment obligation. The agreement must also allow for the accumulation of reserves during the first year the bonds are outstanding. Payment by the department must be made from funds available therefor.

NEW SECTION. Section 12. Agreement with department of social and rehabilitation services. For the proceeds of bonds and notes authorized and appropriated by [this act] for the construction of a commodities warehouse, the board of examiners and the department of social and rehabilitation services may enter into an agreement under the terms of which the department shall pay the state treasurer, for deposit in accordance with 17-2-101 through 17-2-107, as determined by the state treasurer, an amount sufficient to pay the principal and interest as due on the bonds and notes from which the appropriation was made and to accommodate and maintain reserves required under the bonds. The agreement must further provide that income from the investment of bond proceeds, unused principal, and the reserves not required for construction costs may be credited against the department's payment obligation. The agreement must also allow for the accumulation of reserves during the first year the bonds are outstanding. Payment by the department must be made from funds available therefor.

NEW SECTION. Section 13. Benefit to state. The agreements made pursuant to [sections 11 and 12] are solely for the benefit of the state and are not enforceable by bondholders or other third-party beneficiaries.

NEW SECTION. Section 14. Department of labor and industry bond payment. The department of labor and Industry shall transfer to the department of administration, prior to the payment date, sufficient funds to retire \$1,500,000 of general obligation long-range building program bonds authorized by the



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53rd legislature and issued by the board of examiners. This payment obligation is for the benefit of the state and not enforceable by bondholders.

NEW SECTION. Section 15. Department of social and rehabilitation services bond payment. The department of social and rehabilitation services shall transfer to the department of administration, prior to the payment date, sufficient funds to retire \$1,700,000 of general obligation long-range building program bonds authorized by the 53rd legislature and issued by the board of examiners. This payment obligation is for the benefit of the state and not enforceable by bondholders.

NEW SECTION. Section 16. Requirements for approval of state debt. Because [section 10] authorizes the creation of a state debt, a vote of two-thirds of the members of each house is required for enactment of [sections 9 through 15]. If [section 10] is not approved by the required vote, [sections 9 through 15] are void. The remaining sections of [this act] are valid and remain in effect in all valid applications upon enactment.

Section 17. Section 1, Chapter 624, Laws of 1991, is amended to read:

"Section 1. Appropriation for veterans' home project. (1) The following money is appropriated for the biennium ending June 30, 1993, from the capital projects fund: \$1,991,897 to the department of administration for construction and remodeling, including land purchase and design costs, of a state nursing home and domiciliary home at Glendive, Montana, for veterans in Montana.

(2) There is appropriated to the department of administration for the biennium ending June 30, 1993, \$3,699,237 in spending authority from the federal special revenue received from the veterans benefits administration.

(3) This project is delayed until after July 1, 1995."

Section 18. Section 12, Chapter 774, Laws of 1991, is amended to read:

"Section 12. Appropriation of bond proceeds and other funds. (1) The following money is appropriated from the bond proceeds and other funding sources to the department of administration for the capital projects described in this section contingent upon the respective authorization and sale of general obligation long-range building program bonds by the 52nd legislature and the board of examiners:

<u>Agency/Project</u>	<u>LRBPF</u>	<u>Other Funding Sources</u>
<u>Major Expansion- Montana State Prison</u>	\$19,360,745	
<u>Miscellaneous Prison Projects</u>		\$6,705,000
Construct Engineering/Physical Sciences		
Complex, Montana State University		18,401,510
Construct Business Administration Building,		
University of Montana		13,022,975

Construct Women's Correction Center	10,075,600
Construct Libby Armory	400,000

(2) If the bonding program in [section 13] fails to receive the necessary two-thirds vote of both houses of the legislature, the \$400,000 for the Libby armory is appropriated from the LRBPF funds as stated in [section 6(5)(b)].

(3) Construction of the business administration building at the university of Montana, the engineering/physical sciences complex at Montana state university, and the Libby armory is delayed until after July 1, 1995. The women's correctional center project is delayed until after July 1, 1995. The amount of \$500,000 of the \$10,075,600 for the women's correctional center may be used for architectural and engineering design of a downsized women's correctional facility to be located in Billings that would meet the needs of a community-based correctional program of the department of corrections and human services."

Section 19. Section 6, House Bill No. 777, Laws of 1989, is amended to read:

"Section 6. Capital projects appropriations. The following money is appropriated to the department of administration for the indicated capital projects from the indicated sources:

<u>Agency/Project</u>	<u>CPF</u>	<u>Other Appropriated Funds</u>
DEPARTMENT OF ADMINISTRATION		
Hazardous Material Abatement, Statewide	\$ 200,000	
Maintain Water Towers and Systems, Statewide	450,000	
DEPARTMENT OF AGRICULTURE -- PLANT INDUSTRY DIVISION		
Remodel Grain Laboratory, Great Falls	45,500	State Special Revenue
DEPARTMENT OF EDUCATION		
Roof Repair, Academic Building, Montana		
School for the Deaf and Blind	10,000	
DEPARTMENT OF FAMILY SERVICES		
Replace/Repair Roof, Custer Lodge,		
Pine Hills School	155,000	
DEPARTMENT OF FISH, WILDLIFE, AND PARKS		
Fishing Access Sites Improvement, Statewide	183,000	State Special Revenue
	549,000	Federal Special Revenue
Construct Region 2 Headquarters Storage, Missoula	25,920	State Special Revenue
Waterfowl Habitat Enhancement, Statewide	424,500	State Special Revenue
Boat Facilities, Statewide	54,923	State Special Revenue
	163,770	Federal Special Revenue
State Park Maintenance and Development, Statewide	1,181,500	State Special Revenue
	1,137,500	Federal Special Revenue
State Property Improvement, Statewide	165,037	State Special Revenue
Donation Authority, East Gallatin Park, Bozeman	100,000	State Special Revenue
Lake Elmo Improvements	150,000	150,000 State Special Revenue
DEPARTMENT OF HIGHWAYS		
Maintenance Projects, Statewide	750,000	Highways State Special Revenue
Maintenance Section, Headquarters Complex, Bridger	140,460	Highways State Special Revenue
Construct Sandhouses, Statewide	118,800	Highways State Special

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			Revenue
Headquarters Renovation, Glendive	72,480		Highways State Special
			Revenue
Construct Equipment Storage Additions, Statewide	419,480		Highways State Special
			Revenue
DEPARTMENT OF INSTITUTIONS			
Construct Low Security Housing Unit, MSP	1,184,600		
Building Modifications and Exterior Lighting, Center for the Aged	45,396		
Roof Replacement/Repair, Department of Institutions	352,500		
Boiler Room Water Softeners, Montana State Hospital, Galen	45,000		
Supplemental Appropriation for Montana Developmental Center	289,900		
Replace Hospital Floors, Montana State Hospital, Galen	20,000		
Correct Code Deficiencies, Montana State Hospital, Galen	15,000		
Remodel Unit 57 for Women's Correction Center, Montana State Hospital	45,000		
DEPARTMENT OF LABOR AND INDUSTRY			
Acquisition of Arcade Building, Lower Level, Helena	50,000		State Special Revenue
Power Supply Project, Workers' Compensation, Helena	26,000		State Special Revenue
HVAC Replacement and Major Maintenance, Helena Job Service	53,600		Federal Special Revenue
Repair Settling Damage, Great Falls Job Service	50,000		Federal Special Revenue
Heating Unit Replacement, Missoula Job Service	50,000		Federal Special Revenue
Construct/Purchase, Butte Job Service	211,000		Federal Special Revenue
Parking Lot Construction, Havre Job Service	10,000		Federal Special Revenue
Basement Renovation, Bozeman Job Service	100,000		Federal Special Revenue
DEPARTMENT OF STATE LANDS			
Interagency Fire Center and Hangar, Helena	54,800		Federal Special Revenue
Nursery Freezer and Cooler, Missoula	24,000		State Special Revenue
Nursery Shop Building, Missoula	101,000		State Special Revenue
Nursery Storage Building, Missoula	22,000		State Special Revenue
DEPARTMENT OF MILITARY AFFAIRS			
Construct M-1 Bays Statewide	30,000	1,340,000	Federal Special Revenue
Remodel Missoula Armory and Study Armories, Statewide	12,000	80,000	Federal Special Revenue
Construct Livingston Armory	<del>500,800</del> 450,800	798,000	Federal Special Revenue
Federal Spending Authority	689,597		Federal Special Revenue
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION			
Oil and Gas Division Addition, Billings	116,950		Oil and Gas State Special Revenue
DEPARTMENT OF REVENUE			
Maintain Liquor Warehouse Roof	170,000		Enterprise Funds
MONTANA UNIVERSITY SYSTEM			
Carpet Replacement, Administration Building, Missoula Vo-Tech Center	80,000		
Replace Roofs, Montana University System	473,120		
Electrical Distribution System, Phase II, MSU	1,153,355	524,871	Auxiliary

Major Maintenance, Water Mains,			
University of Montana	130,000		
Exterior Door and Vestibules,			
Western Montana College	14,000		
Window Retrofit, Engineering Hall, Montana Tech	132,750		
Miscellaneous Projects, University of Montana		217,039	UM Building Fees
Centennial Mall, Montana State University	650,000		Private Endowments*

Section 20. Section 3, Chapter 17, Special Laws of July 1992, is amended to read:

"Section 3. Section 11, Chapter 13, Special Laws of January 1992, is amended to read:

"Section 11. Section 6, Chapter 774, Laws of 1991, is amended to read:

"Section 6. Capital projects appropriations. (1) The following money is appropriated for the indicated capital projects from the indicated sources to the department of administration, which is authorized to transfer the appropriated money among the necessary fund types for these projects:

<u>Agency/Project</u>	<u>LRBPF</u>	<u>Other Funding Sources</u>
DEPARTMENT OF ADMINISTRATION		
Hazardous Material Abatement, Statewide	\$ 594,625 \$ 150,000	Auxiliary
State Building Energy Retrofit, Statewide	500,000	Nonstate State Special
		Revenue
	1,000,000	Federal Special Revenue
	500,000	Auxiliary or Other
Construction, Litigation, Architecture and Engineering Division	345,000	
Develop Alternate Water Supply, Capitol Complex	50,000	Proprietary Funds
Property Acquisition and Development, Capitol Complex	20,000	Capitol Land Grant
DEPARTMENT OF COMMERCE		
Improve Pavement and Lighting, Yellowstone Airport	51,773	Proprietary Funds
	465,957	Federal Special Revenue
DEPARTMENT OF EDUCATION		
Replace Academic Building Roof and Miscellaneous Repairs, Montana School for the Deaf and Blind	339,000	
DEPARTMENT OF FAMILY SERVICES		
Expand Security Fence, Pine Hills School	27,000	
Replace and Repair Roofs, Family Services	127,600	
DEPARTMENT OF FISH, WILDLIFE, AND PARKS		
Remove Underground Storage Tanks, Statewide	150,000	State Special Revenue
Headquarters Maintenance and Improvements, Statewide	85,000	State Special Revenue
Department Property Development, Statewide	360,000	State Special Revenue
State Park Maintenance and Development, Statewide	<del>3,798,500</del>	State Special Revenue
	<u>3,736,500</u>	
	<del>1,124,500</del>	Federal Special Revenue
	<u>1,186,500</u>	
Fish Hatchery Maintenance, Statewide	37,500	State Special Revenue
	112,500	Federal Special Revenue
Fishing Access Site Improvements, Statewide	286,000	State Special Revenue
	858,000	Federal Special Revenue
Motorboat Access Facilities, Statewide	67,000	State Special Revenue



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	201,000	Federal Special Revenue
Wildlife Habitat Maintenance, Statewide	304,000	State Special Revenue
Waterfowl Habitat Enhancement, Statewide	349,500	State Special Revenue
DEPARTMENT OF HIGHWAYS		
Maintenance Projects, Statewide	450,000	Highways State Special Revenue
Construct and Expand Maintenance and Storage Buildings, Statewide	<del>1,167,600</del>	Highways State Special Revenue
	<u>1,199,543</u>	
	<del>115,925</del>	Federal Special Revenue
	<u>116,698</u>	
DEPARTMENT OF INSTITUTIONS		
Replace Water and Steam Lines, Montana Developmental Center	116,708	
Replace Roofs, Institutions	30,000	
Moisture Protection, Eastmont Human Services Center	98,450	
Montana State Hospital Infrastructure Study	112,375	
Seal Buildings, Montana State Prison	25,000	
Building Improvements, Center for the Aged	105,015	
Replace Multipurpose Building Flooring, Montana State Hospital, Warm Springs	26,800	
Galen Repair Projects	181,000	
DEPARTMENT OF LABOR AND INDUSTRY		
Renovate and Expand Job Service, Great Falls	310,000	Federal Special Revenue
Various Major Maintenance Projects	209,450	Federal Special Revenue
DEPARTMENT OF STATE LANDS		
Construct Two Greenhouses, Missoula	191,900	State Special Revenue
DEPARTMENT OF MILITARY AFFAIRS		
Kitchen Upgrade, Statewide	5,000	
Rifle Range Rehabilitation, Statewide	10,000	555,000 Federal Special Revenue
Armory Additions and Alterations, Statewide	1,000	16,155,000 Federal Special Revenue
Acquire Land and Preplan Armory, Billings	<del>150,000</del>	200,000 Federal Special Revenue
	<u>90,000</u>	
Expand Military Vehicle Compounds, Statewide	5,000	275,000 Federal Special Revenue
Federal Spending Authority	300,000	Federal Special Revenue
Libby Armory	<u>110,000</u>	<del>827,000</del> Federal Special Revenue
		<u>1,007,745</u>
MONTANA UNIVERSITY SYSTEM		
Primary Electrical Vault Disconnect, Eastern Montana College	31,000	14,000 Auxilliary
Install Fire Alarm System, University of Montana	70,000	
Replace and Improve Roofs, University System	1,154,550	350,000 Plant
Improve Underground Utilities, Phase I, University System	296,000	200,000 Auxilliary
Repair and Improve Heating System, Western Montana College	57,900	
Improve Handicapped Access, University System	335,000	
Replace Carpet, Great Falls Vo-Tech	60,000	
Improve Sidewalks and Fire Access, University System	86,000	

Window Retrofit Museum Building, Montana Tech	142,000		
Various Improvements, University of Montana		2,584,600	Federal, Higher Education Funds, and/or Donations
Centennial Mall, Montana State University	1,600,000		Plant
Remodel Student Union Building, Western Montana College	600,000		Auxiliary
Construct Engineering/Physical Sciences Complex, Montana State University	452,765	2,215,435	Higher Education Funds and/or Donations
Life Science Building, University of Montana	12,000,000		Federal Special Revenue
Construct Business Administration Building, University of Montana		1,858,320	Higher Education Funds and/or Donations
Multipurpose Building, Northern Agricultural Research Center	150,000	150,000	Higher Education Funds and/or Donations
Repair Northern Montana College Gymnasium	934,500	1,700,000	Higher Education Funds and/or Donations

(2) For purposes of obtaining cash for the construction litigation appropriation authority in [section 6(1)], the architecture and engineering division of the department of administration is authorized to request a budget amendment for transfer of any excess long-range building project funds from any agency so long as the amendment does not move funds required to complete any authorized agency project.

(3) The following money is appropriated to the department of administration in the indicated amounts for the purpose of planning projects described in [section 12] and authorized in [section 13]:

<u>Agency/Project</u>	<u>LRBPF</u>	<u>Other Funding Sources</u>
Preliminary Design for Prison Expansion	\$ 877,500	
Preliminary Design, University System: Engineering/Physical Sciences, MSU		1,165,290 Higher Education Funds and/or Donations
Business Administration, UM	183,606	421,099 Higher Education Funds and/or Donations

(4) The following money is appropriated to the department of administration for the university system:

<u>Agency/Project</u>	<u>LRBPF</u>	<u>Other Funding Sources</u>
University System Deferred Maintenance Projects and Equipment Approved by the Board of Regents	\$ 517,500	General Fund
Repair Northern Montana College Gymnasium	283,000	General Fund
Equipment for Eastern Montana College	600,000	General Fund

(5) Amounts not to exceed \$490,000 of federal special revenue money and \$163,333 of state special revenue money appropriated in the state parks maintenance and development statewide line item under subsection (1) may be added to the line item appropriations for motorboat access facilities statewide under subsection (1) or fishing access site acquisition statewide under [section 8(1)].""

NEW SECTION. Section 21. Authorization for interentity loans. If funding in the amount of \$10,075,600 for the women's correctional center and \$6,705,000 for the miscellaneous prison projects in [section 18] is deleted, the department of administration is authorized an interentity loan for \$700,000 through the 1995 biennium.

NEW SECTION. Section 22. Coordination instruction. [Section 2] contains five park projects with a portion of funding from "state special revenue-other" that are contingent on new legislation being enacted that will generate \$2.9 million of new revenue for parks funding. In section "C" of House Bill No. 2, there is contingent language that states that \$597,542 of the appropriations for the parks division is contingent on passage and approval of new legislation that will generate new revenue for parks to provide funding for this appropriation. In the event new legislation does not generate enough revenue to fund both the \$597,542 in the parks division and the \$2.9 million in [section 2] of this bill, the funding for the parks division is the first priority, unless otherwise specified in the new legislation."

Renumber: subsequent sections

46. Page 8, lines 8 and 10.

Strike: "9"

Insert: "22"

And, as amended, do pass. Report adopted.

**HB 10**, third reading copy, be amended as follows:

3/18/93

1. Title, lines 9 and 10.

Following: "; AND"

Strike: " AMENDING SECTION 90-4-215, MCA"

Insert: "PROVIDING AN EFFECTIVE DATE"

2. Page 1, lines 14 and 16.

Strike: "13"

Insert: "14"

3. Page 1, line 21.

Page 3, line 10.

Strike: "(9)"

Insert: "(8)"

4. Page 2, lines 11 through 13.

Following: line 10

Strike: lines 11 through 13 in their entirety

Renumber subsequent subsections

5. Page 3, line 8.

Strike: "(6)"

Insert: "(5)"

6. Page 3, line 9.

Strike: "(8)"

Insert: "(7)"

7. Page 4, line 8.

Strike: "\$700,000"

Insert: "\$275,000"

8. Page 4, lines 9 and 10.

Strike: "exxon" on line 9 through "account" on line 10

Insert: "stripper well payments contained in the federal special revenue fund"

9. Page 5, line 11.

Following: "transportation"

Insert: "demand"

10. Page 5, line 22.

Following: "industry and"

Strike: "from"

11. Page 6, lines 16 and 17.

Following: "."

Strike: the remainder of lines 16 and 17 in their entirety

12. Page 7, line 1.

Following: "techniques"

Strike: ", "

13. Page 7, line 3.

Following: "Section 10."

Strike: "Institutional conservation program"

Insert: "Energy-efficient home mortgage reserve account"

14. Page 7, line 7.

Following: "conservation"

Strike: "for use"

Insert: "to establish an energy-efficient home mortgage reserve account that would enable the board of housing to sell bonds and offer loans for energy-efficient new homes costing more than the FHA limit. These funds must be matched at least dollar for dollar from utility or other contributions. If the board of housing does not issue bonds to establish the energy-efficient home mortgage program by July 1, 1994, then the funds appropriated in this section may be used"

15. Page 7, line 10.

Following: line 9

Insert: "NEW SECTION. Section 11. Northern Montana college tractor resource center--appropriation. There is appropriated \$125,000 from the stripper well payments contained in the federal special revenue fund to northern Montana college to support the implementation phase of northern Montana college's tractor resource center."



Renumber: subsequent sections

16. Page 7, line 11.

Strike: "\$40,000"

Insert: "\$20,000"

17. Page 7, line 12.

Strike: "\$70,000"

Insert: "\$35,000"

18. Page 7, line 13.

Strike: "\$70,000"

Insert: "\$75,000"

19. Page 8, line 9.

Strike: "11"

Insert: "12"

20. Page 8, line 11.

Strike: "10"

Insert: "9 and 11"

21. Page 8, line 16.

Following: line 15

Insert: "(2) The total amount appropriated in [section 10] is appropriated in fiscal year 1994. As a biennial appropriation, any unexpended funds in fiscal year 1994 may be carried forward to fiscal year 1995."

Renumber: subsequent subsection

22. Page 8, line 16.

Strike: "11"

Insert: "12"

23. Page 8, line 17.

Following: "."

Strike: "Carryover"

Insert: "Expenditures of carryover"

24. Page 8, line 20.

Strike: "5"

Insert: "4"

Strike: "10"

Insert: "11"

25. Page 8, line 21.

Strike: "5"

Insert: "4"

26. Page 8, line 22.

Strike: "10"

Insert: "11"

Strike: "5"

Insert: "4"

27. Page 8, line 23.

Strike: "10"

Insert: "11"

28. Page 9, line 1.

Strike: "5"

Insert: "4"

Strike: "10"

Insert: "11"

29. Page 9, line 4.

Strike: "1"

Insert: "4"

Strike: "12"

Insert: "11"

30. Page 9, line 6.

Strike: "1"

Insert: "4"

Strike: "12"

Insert: "11"

31. Page 9, line 14.

Strike: "5"

Insert: "4"

Strike: "10"

Insert: "9 and 11"

Following: "]"

Insert: "and to the total amount appropriated in [section 10]"

32. Page 9, line 23.

Strike: "1"

Insert: "4"

Strike: "12"

Insert: "11"

33. Page 9, line 24.

Strike: "and Exxon"

34. Page 10, line 4.

Strike: "5"

Insert: "4"

Strike: "10"

Insert: "11"

35. Page 10, lines 5 through 22.

Strike: Section 15 in its entirety

Insert: "NEW SECTION. Section 16. Effective date. [This act] is effective  
July 1, 1993."

And, as amended, do pass. Report adopted.

**SB 206**, third reading copy, be concurred in. Report adopted. 3/18/93  
**HB 529**, introduced bill, be amended as follows: 3/18/93

1. Page 2, line 22.

Following: "A"

Insert: "an amount up to \$25,000 each year of"

And, as amended, do pass. Report adopted.

**HB 570**, third reading copy, be amended as follows: 3/18/93

1. Page 1, line 22.

Strike: "OR DAMAGING"

2. Page 1, line 25.

Strike: "OR A LOCAL GOVERNMENT"

3. Page 3, lines 8 through 11.

Strike: subsection (1) in its entirety

Renumber: subsequent subsections

4. Page 3, line 12.

Following: "means"

Insert: "enactment of"

5. Page 3, lines 13 and 14.

Following: "statute" on line 13

Strike: ", " on line 13

Insert: "or adoption of a"

Following: "rule"

Strike: remainder of line 13 through "imposed" on line 14

6. Page 3, lines 15 and 16.

Strike: "will" on line 15

Strike: "result" on line 15

Insert: "that has a reasonable possibility of resulting"

Following: "taking" on line 15

Strike: remainder of line 15 through "damaging" on line 16

7. Page 5, line 23.

Following: "(H)"

Insert: "The assessment described in this section may be prepared for the enactment of a statute only after a request by the presiding officer of the house in which the legislation is introduced. The presiding officer may determine the need for the assessment based upon a recommendation by legislative staff indicating whether an assessment appears to be required. The assessment must be prepared by the appropriate state agency."

8. Page 4, line 5.

Strike: "in effect on July 1, 1993"

9. Page 4, lines 6 through 8.

Strike: subsection (vi) in its entirety  
Renumber: subsequent subsections

10. Page 5, line 11.

Following: "in"

Insert: "private"

11. Page 5, line 14.

Strike: "a governmental action"

12. Page 6, lines 3 and 4.

Following: "and" on line 3

Strike: remainder of line 3 through "including" on line 4

13. Page 6, lines 17 and 18.

Following: "taking" on line 17

Strike: remainder of line 17 through "DAMAGING" on line 18

14. Page 6, lines 23 through 25.

Following: "(5)" on line 23

Strike: remainder of line 23 through "locality" on line 25

Insert: "whether a governmental action has a reasonable possibility of resulting in a constitutional taking of private property based on tests and principles established by the United States supreme court and the Montana supreme court"

15. Page 7, lines 6 through 14.

Following: "." on line 6

Strike: subsection (1) in its entirety

Renumber: subsequent subsections

16. Page 7, lines 24 and 25.

Following: "a" on line 24

Strike: remainder of line 24 through "agency" on line 25

Insert: "government entity"

Strike: "criteria"

Insert: "assessment"

Strike: "subsection (1)"

Insert: "[sections 1 through 4 and this section], if applicable,"

17. Page 8, lines 2 through 5.

Strike: subsection (3) in its entirety

Renumber: subsequent subsection

18. Page 8, line 9.

Strike: "[section 4]"

Insert: "[sections 1 through 4 and this section]"

And, as amended, do pass. Report adopted.

**HB 655**, introduced bill, be amended as follows:

3/18/93

1. Title, line 4.



Following: "ACT"

Strike: "REQUIRING THAT \$1 MILLION"

Insert: "APPROPRIATING \$200,000"

2. Title, line 5.

Following: "MONEY"

Strike: "BE DEPOSITED ANNUALLY IN"

Insert: "FOR"

3. Title, line 6.

Following: "RESTORATION"

Strike: "ACCOUNT; AND AMENDING SECTIONS 87-1-258 AND 87-1-601,  
MCA"

Insert: "PROGRAM"

4. Page 1.

Strike: sections 1 and 2 in their entirety

Insert: "NEW SECTION. Section 1. Appropriation. There is appropriated from federal Dingell-Johnson money to the department of fish, wildlife, and parks the amount of \$200,000 for the biennium ending July 1, 1995, to be used in the river restoration program provided for in 87-1-257."

And, as amended, do pass. Report adopted.

HIGHWAYS AND TRANSPORTATION (Clark, Chairman):

3/18/93

**SB 105**, third reading copy, be concurred in. Report adopted.

**SB 145**, third reading copy, be concurred in. Report adopted.

**SB 395**, third reading copy, be amended as follows:

1. Title, line 4.

Following: "ACT"

Insert: "LIMITING THE ALLOWABLE LENGTH FOR A VEHICLE  
COMBINATION HAULING LOGS;"

2. Page 3, line 1.

Following: "(5)"

Insert: "(a) The length of a vehicle combination consisting of a truck or truck-tractor and one trailer, pole trailer, or semitrailer hauling raw logs may not exceed 75 feet in overall length. As used in this subsection (a), the term "length" means the total length of the vehicle combination beginning at the front of the front bumper of the truck or truck-tractor and extending to the most distant end of the logs being hauled. A term permit for an overlength vehicle combination, as provided in 61-10-124(3), does not apply to the vehicle combination described in this subsection (a). A vehicle combination exceeding 75 feet must have a trip permit."

3. Page 3, line 8.

Following: "~~(b)~~"

Insert: "(b)"

4. Page 3.

Following: line 11

Insert: "(c) The provisions in subsections (5)(a) and (5)(b) do not apply to a vehicle combination hauling utility poles."

5. Page 3, line 24.

Following: "5"

Insert: "(a)"

And, as amended, be concurred in. Report adopted.

**SJR 25**, third reading copy, be concurred in. Report adopted.

TAXATION (Gilbert, Chairman):

3/18/93

**HB 669**, introduced bill, do pass. Report adopted.

**SB 412**, third reading copy, be concurred in. Report adopted.

### FIRST READING AND COMMITMENT OF BILLS AND RESOLUTIONS

The following House bill was introduced, read first time, and referred to committee:

**HB 688**, introduced by Grinde, Gilbert, referred to Committee on Taxation

Representative Grinde moved the House recess until 1:20 p.m. Motion carried.

House recessed at 12:20 p.m.

House reconvened at 1:20 p.m. Mr. Speaker in the Chair.

### REPORTS OF STANDING COMMITTEES

APPROPRIATIONS (Zook, Chairman):

3/19/93

**HB 97**, introduced bill, be amended as follows:

1. Title, line 15.

Following: "ISSUED;"

Insert: "PROVIDING A METHOD FOR ALLOCATING ENERGY COST SAVINGS; AMENDING SECTION 90-4-607, MCA;"

2. Page 4, line 22.

Following: "for"

Insert: "the energy conservation and lighting retrofit projects approved in [section 3] for"

3. Page 5.

Following: line 15

Insert: "Section 5. Section 90-4-607, MCA, is amended to read:

"90-4-607. Duties of department. In addition to the duties set forth in 90-4-605, the department is authorized to:

(1) analyze state utility data to identify high-potential energy conservation projects;

(2) perform comprehensive energy analyses on state-owned buildings, structures, and facilities, contracting with private engineers when necessary;

(3) ~~administratively~~ transfer funds and authority to the department of administration to procure design and construction of cost-effective energy improvements;

(4) train facility maintenance staff in energy saving techniques and maintenance of energy improvements and monitor energy conservation projects to ensure that cost savings are realized and are adequate to cover the debt service if bonds have been issued to fund the improvements."

NEW SECTION. Section 6. Appropriation of energy cost savings.

(1) In preparing the executive budget each biennium, the governor shall include for each state agency participating in the state energy conservation program:

(a) an estimate of the energy cost savings expected for that agency in each year of the biennium; and

(b) a projection of the debt service on energy conservation program bonds that should be apportioned to that agency in each year of the biennium.

(2) Each session, the legislature shall review the governor's submission pursuant to 90-4-606 and subsection (1) of this section and appropriate in the general appropriations act the following:

(a) authority for each participating state agency to transfer funds in an amount equal to the agency's projected debt service to the energy conservation program account established in 90-4-612; and

(b) authority for each participating state agency to transfer funds to the long-range building program fund in an amount equal to the difference between the estimated energy cost savings to the agency and the projected debt service apportioned to that agency.

(3) The current level utility appropriations of state agencies participating in the energy conservation program must be reduced by the sum of the amounts appropriated in subsections (2)(a) and (2)(b).

(4) Each participating state agency shall transfer upon request of the department the amounts appropriated in accordance with subsection (2)."

Renumber: subsequent sections

4. Page 5.

Following: line 19

Insert: "NEW SECTION. Section 8. Codification instruction. [Section 6] is intended to be codified as an integral part of Title 90, chapter 4, part 6, and the provisions of Title 90, chapter 4, part 6, apply to [section 6]."

Renumber: subsequent section

And, as amended, do pass. Report adopted.

**HB 146**, introduced bill, be amended as follows:

1. Title, lines 7 and 8.

Strike: "EXPANDING THE ABILITY OF AGENCIES TO TRANSFER FUNDS  
BETWEEN PROGRAMS;"

2. Title, line 10.

Strike: "STATUTORILY APPROPRIATING THE RETAINED FUNDS;"

3. Title, line 10.

Following: "FUNDS;"

Insert: "ALLOWING THE STATE TREASURER TO BORROW FROM  
CERTAIN INTEREST-BEARING FUNDS;"

4. Title, line 11.

Following: "SECTIONS"

Strike: "17-7-139"

Insert: "17-2-105"

Following: "17-7-301,"

Strike: "17-7-302,"

5. Title, line 12.

Following: "DATE"

Insert: "AND A TERMINATION DATE"

6. Page 1, line 15 through page 2, line 5.

Strike: Section 1 in its entirety

Renumber: subsequent sections

7. Page 4, lines 2 through 19.

Strike: Section 3 in its entirety

Renumber: subsequent sections

8. Page 4, line 22.

Following: "All"

Strike: "Except as provided in subsection (4),"

Insert: "All"

9. Page 6 line 15 through page 7, line 2.

Strike: subsection (4) in its entirety

10. Page 7, line 5.

Following: "~~moneys~~"

Strike: "(1)"

Strike: "Except as provided in subsection (2), money"

Insert: "All money"

11. Page 7, line 14 through page 8, line 1.

Strike: subsection (2) in its entirety

12. Page 8.

Following: line 1

Insert: "Section 4. Section 17-2-105, MCA, is amended to read:

"17-2-105. Maintenance of fund and account records and  
interfund loans. (1) The state treasurer shall record receipts and



disbursements for treasury funds and shall maintain fund records in such a manner as to reflect the total cash and invested balance of each fund. The state treasurer shall also maintain records of individual funds within the debt service, agency, capital projects, and trust fund types in such a manner as to reflect the total cash and invested balance of each fund. When necessary to meet federal or other requirements that moneys be segregated in the treasury, the state treasurer may establish accounts, funds, or subfunds within any fund type listed in 17-2-102.

(2) For the purpose of supplying deficiencies in the general fund, the state treasurer may temporarily borrow from other treasury funds, except retirement funds and expendable and nonexpendable trust funds, providing that the loan is recorded in the state accounting records. Such loan, if from the short-term investment pool balance of a treasury fund that is authorized to retain its own interest, shall must bear no interest; at a rate equal to that earned by the board of investments on its short-term investment pool. The department of administration shall work with each agency from which funds are borrowed to ensure and no fund shall be so impaired that all proper demands on that fund thereon cannot can be met. ""

Renumber: subsequent section

13. Page 8, following line 3.

Insert: "NEW SECTION, Section 6. Termination. [This act] terminates June 30, 1997."

And, as amended, do pass. Report adopted.

**HB 563**, introduced bill, be amended as follows:

1. Page 3, lines 6 through 17.

Strike: subsection (5) in its entirety

2. Page 3, line 24.

Strike: ":"

3. Page 3, line 25.

Strike: "(a)"

4. Page 4, lines 1 through 3.

Strike: "; and" on line 1 through "76-4-105(5)" on line 3

This amendment eliminates the \$160,000 general fund appropriation in the subdivision program (\$320,000 over the biennium). Funding for the program becomes 100% state special revenue.

Contingent on passage and approval of this amendment, an amendment to House Bill 2 will be necessary to transfer general fund appropriation authority to state special revenue.

The department has the prerogative to apply for a general fund loan if costs exceed fees collected.

And, as amended, do pass. Report adopted.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Daily in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 2** - Representative Peck moved HB 2, Section A, second reading copy, be further amended (amendment #14). Amendment #14 failed as follows: (45-55)

Representative Wanzenried moved HB 2, Section A, second reading copy, be further amended (amendment #15). Amendment #15 failed as follows: (45-55)

Representative Wanzenried moved HB 2, Section A, second reading copy, be further amended (amendment #16). Amendment #16 failed as follows: (42-57)

Representative Wanzenried moved HB 2, Section A, second reading copy, be further amended as follows (amendment #17):

1. Page A-13, line 11.

Strike: "438,936	440,825"	[General fund]
Insert: "384,962	385,050"	[General fund]

LFA will amend totals.

This amendment reduces the personal services reduction efficiencies in the Department of Justice by \$53,974 in fiscal 1994 and \$55,775 in fiscal 1995. This is the amount that was applied to county attorney salaries.

Amendment #17 passed as follows:

Ayes: Anderson, Bachini, Bardanoue, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simpkins, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wallin, Wanzenried, Whalen, Winslow, Wyatt, Zook, Mr. Speaker.

Total 88

Noes: Boharski, DeBruycker, Fagg, Feland, Hayne, Kasten, Molnar, Rehbein, Smith, Wagner, Wiseman.

Total 11

Excused: Simon.

Total 1

Absent or not voting: None.

Total 0

Representative Whalen moved HB 2, Section A, second reading copy, be further amended (amendment #18). Amendment #18 failed as follows: (49-49)

Representative Guilici moved HB 2, Section A, second reading copy, be further amended (amendment #19). Amendment #19 failed as follows: (42-56)

Representative Kadas moved HB 2, Section A, second reading copy, be further amended as follows (amendment #20):

1. Kadas amendment #2, 3/19/93 at 11:06 a.m.

Inserted material, line 3.

Following: "services (object"

Strike: "code"

Insert: "codes 2304, 2305, and"

Amendment #20 passed as follows:

Ayes: Anderson, Bachini, Bardanoue, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Driscoll, Elliott, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Schwinden, Schye, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Wallin, Wanzenried, Whalen, Winslow, Wyatt, Zook, Mr. Speaker.

Total 90

Noes: Bergsagel, DeBruycker, Dowell, Ellis, Rehbein, Sayles, Vogel, Wagner, Wiseman.

Total 9

Excused: Simon.

Total 1

Absent or not voting: None.

Total 0

Representative Cobb moved HB 2, Section A, second reading copy, be further amended as follows (amendment #21):

1. Schye amendment item #11 of 3/19/93 at 10:53 a.m. amendments.  
Strike: item #11 in its entirety

Amendment #21 passed as follows:

Ayes: Anderson, Bachini, Bardanoue, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Daily, Davis, DeBruycker, Dolezal, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 96

Noes: Dowell, Feland.  
Total 2

Excused: Simon.  
Total 1

Absent or not voting: Cocchiarella.  
Total 1

Debate on Section A of HB 2 closed at this time.

Representative Cobb explained Section B of HB 2.

Representative Cobb moved HB 2, Section B, second reading copy, be amended as follows (amendment #1):

1. Page B-3, line 16.  
Strike: "160,000"                      general fund, fiscal 1994  
          "1,563,817"                  state special revenue, fiscal 1994  
          "160,000"                   general fund, fiscal 1995  
          "1,536,767"                  state special revenue, fiscal 1995  
Insert: "1,723,817"                  state special revenue, fiscal 1994  
          "1,696,767"                  state special revenue, fiscal 1995

LFA will adjust totals

2. Page B-7.  
Strike: lines 1 and 2



This amendment eliminates \$160,000 of general fund in the subdivisions program and replaces it with fee funds (state special revenue). Also eliminated is the related contingency language.

Amendment #1 passed as follows:

Ayes: Anderson, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Boharski, Bohlinger, Brandewie, Clark, DeBruycker, Dolezal, Ellis, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Harrington, Hayne, Herron, Hibbard, R. Johnson, Kasten, Keller, Knox, Mason, McCulloch, Menahan, Mills, Molnar, T. Nelson, Orr, Peterson, Rehbein, J. Rice, Rose, Russell, Ryan, Sayles, Schye, Simpkins, Spring, Stovall, Strizich, Swanson, Tash, Tunby, Tuss, Vogel, Wagner, Wallin, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 66

Noes: Bachini, Bird, Brooke, Brown, Cocchiarella, Daily, Davis, Dowell, Driscoll, Elliott, Endy, Ewer, Hansen, Harper, J. Johnson, Kadas, Larson, McCaffree, McCarthy, L. Nelson, Pavlovich, Peck, Quilici, Raney, Ream, S. Rice, Schwinden, Smith, Squires, Stanford, Toole, Wanzenried.

Total 32

Excused: Simon.

Total 1

Absent or not voting: Cobb.

Total 1

Representative Cobb moved HB 2, Section B, second reading copy, be further amended as follows (amendment #2):

1. Page B-7.

Strike: lines 11 and 12 in their entirety

This amendment eliminates the following restriction on personal services: "The legislature has considered all federal funds that may become available for personal services expenditures during fiscal 1994 and fiscal 1995 beyond the amount appropriated in (this act) and intends that none be used for personal services."

Amendment #2 passed as follows:

Ayes: Anderson, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Simpkins, Smith, Spring, Squires, Stanford,

Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wallin,  
Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 88

Noes: Bachini, Boharski, DeBruycker, Dowell, Feland, Kasten, Peck,  
Rehbein, Schye, Wagner, Wanzenried.  
Total 11

Excused: Simon.  
Total 1

Absent or not voting: None.  
Total 0

Representative Cobb moved HB 2, Section B, second reading copy, be  
further amended (amendment #3). Amendment #3 failed as follows: (45-54)

Representative Wyatt moved HB 2, Section B, second reading copy, be  
further amended as follows (amendment #4):

1. Page B-12, following line 17.

Insert: "1. Baby Your Baby Medicaid Benefits  
482,500 state special revenue 1994  
482,500 federal special revenue 1994  
482,500 state special revenue 1995  
482,500" federal special revenue 1995

This amendment adds funds for the "Baby Your Baby" project started by  
budget amendment during the 1993 biennium. This program is part of the  
Montana Initiative for the Abatement of Mortality in Infants. Baby Your  
Baby is a public information education campaign that targets high-risk  
pregnant women. The MIAMI program receives private donations (state  
special revenue) that it transfers to SRS. The private donations can be  
matched with federal medicaid funds.

Amendment #4 passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict,  
Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark,  
Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll,  
Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Gilbert,  
Grady, Grimes, Grinde, Hansen, H.S. Hanson, Harper, Harrington, Herron,  
Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Larson, Mason,  
McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T.  
Nelson, Orr, Pavlovich, Peck, Quilici, Raney, Ream, J. Rice, S. Rice, Rose,  
Russell, Ryan, Sayles, Schwinden, Schye, Simpkins, Smith, Spring,  
Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss,  
Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt,  
Zook, Mr. Speaker.  
Total 92

Noes: Bergsagel, M. Hanson, Hayne, Kasten, Peterson, Rehbein.  
Total 6

Excused: Simon.

Total 1

Absent or not voting: Feland.

Total 1

Representative Boharski moved HB 2, Section B, second reading copy, be further amended as follows (amendment #5):

1. Page B-7.

Following: line 12

Insert: "It is the intent of the legislature that the department perform a review of staffing levels in skilled nursing facilities and nursing facilities offering nursing care or long-term nursing care. In its review, the department will determine the number of direct caregivers, which may include directors of nursing, licensed practical nurses, registered nurses, and nurse's aides. The department shall assess direct care staffing levels compared to the number of beds in each facility. The department shall use this information to determine the adequacy of staffing levels in the long-term care facilities. The department shall present the results of its study to the 54th legislature."

Amendment #5 passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Clark, Cobb, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Mills, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 93

Noes: DeBruycker, Molnar, Rehbein.

Total 3

Excused: Simon.

Total 1

Absent or not voting: Brown, Cocchiarella, Menahan.

Total 3

Representative Wanzenried moved HB 2, Section B, second reading copy, be further amended as follows (amendment #6):

1. Page B-6.

Strike: line 1 in its entirety

Insert: "1,010,143"      state special revenue, fiscal 1994  
      "1,010,143"      state special revenue, fiscal 1995

LFA will adjust totals

This amendment eliminates the benefits portion of the Petroleum Tank Release Compensation Fund, (\$3,389,857 in each year of the biennium) from House Bill 2. Contingent on passage and approval of House Bill No. 666, benefits are statutorily appropriated but administrative costs are subject to legislative appropriation.

Amendment #6 passed as follows:

Ayes: Anderson, Bachini, Bardanoue, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Schwinden, Schye, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 95

Noes: Feland, Orr, Rehbein, Sayles.

Total 4

Excused: Simon.

Total 1

Absent or not voting: None.

Total 0

Representative Wanzenried moved HB 2, Section B, second reading copy, be further amended (amendment #7). Amendment #7 failed as follows: (33-64)

Representative Cobb moved HB 2, Section B, second reading copy, be further amended as follows (amendment #8):

1. Page B-19, line 21.

Following: "."

Insert: "If a balance remains in item 4a after providing for the needs of children in the custody of the department, this balance may be used for related services."

Explanation: The legislative direction to the Department of Family Services is to develop community-based services to provide alternatives to more restrictive settings of care. At the same time, the legislature has provided for the children in the custody of the department currently receiving or



needing the intense level of care provided by inpatient youth psychiatric programs. If the department determines that the treatment needs of the children in the custody of the department can be met with fewer funds than provided in item 4a, the balance of item 4a may be transferred to funding services of other populations of emotionally disturbed children. This amendment also provides the spending authority for funds transferred from the Office of Public Instruction to the department, for the special education costs of severely emotionally disturbed children.

Prepared by the Office of Budget and Program Planning.

Amendment #8 passed as follows:

Ayes: Anderson, Bachini, Barnett, Benedict, Bergman, Bergsagel, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Peck, Peterson, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simpkins, Smith, Squires, Stanford, Stovall, Swanson, Tash, Toole, Tunby, Tuss, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 87

Noes: Bardanouve, Barnhart, Bird, Daily, Endy, Grady, McCarthy, Pavlovich, Quilici, Vogel.  
Total 10

Excused: Simon.  
Total 1

Absent or not voting: Spring, Strizich.  
Total 2

Representative Peterson moved HB 2, Section B, second reading copy, be further amended as follows (amendment #9):

1. Page B-19, following line 15.  
Insert: "If the department is selected by the department of social and rehabilitation services to manage the food stamp outreach program, the department is appropriated \$157,349 in federal special revenue each fiscal year of the biennium."

Amendment #9 passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson,

Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Schwinden, Schye, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 96

Noes: Sayles, Wallin.

Total 2

Excused: Simon.

Total 1

Absent or not voting: Strizich.

Total 1

Representative Quilici moved HB 2, Section B, second reading copy, be further amended (amendment #10). Amendment #10 failed as follows: (30-66)

Representative Pavlovich assumed the Chair at this time.

Representative Elliott moved HB 2, Section B, second reading copy, be further amended (amendment #11). Amendment #11 failed as follows: (41-57)

Representative Menahan moved HB 2, Section B, second reading copy, be further amended as follows (amendment #12):

1. Page B-20, line 15.

Following: line 14

Insert: "The department shall develop a plan for the establishment of regional treatment centers for children with severe emotional disturbances to provide for the placement of the children in local regions and to allow children currently placed outside of Montana to be returned to the state."

Amendment #12 passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 96

Noes: Brown, Driscoll.  
Total 2

Excused: Simon.  
Total 1

Absent or not voting: Feland.  
Total 1

Representative Bardanoue moved HB 2, Section B, second reading copy, be further amended (amendment #13). Amendment #13 failed as follows: (40-57)

Representative Peck moved HB 2, Section B, second reading copy, be further amended as follows (amendment #14):

1. Page B-12, line 14.  
Following: "(Restricted"  
Insert: "/Biennial"

2. Page B-12, line 15.  
Strike: "1,608,794 (fiscal 1994, federal special revenue) 1,569,918"  
(fiscal 1995, federal special revenue)  
Insert: "4,866,882" (fiscal 1994, federal special revenue)

3. Page B-19, following line 17.  
Insert: "The department is appropriated an amount equal to the general fund transfer received from the office of public instruction for education costs of children receiving medicaid-eligible treatment services. In preparing the 1997 biennium budget for legislative consideration, the office of budget and program planning and the legislative fiscal analyst's office may not include the expenditures from this appropriation in the current level budget."

4. Page B-19, following line 17.  
Strike: lines 18 and 19 in their entirety

5. Page E-4, line 12.  
Following: "disabilities"  
Insert: "."  
Strike: remainder of line 12 through "jurisdiction." on line 13

6. Page E-4, line 16.  
Strike: "up to \$200,000"  
Insert: "the amounts required"

7. Page E-4, following line 17.  
Insert: "The office of public instruction may transfer up to \$700,000 from item 2p to the department of family services to provide the matching funds necessary for medicaid reimbursements paid for education costs of children receiving in-state residential treatment services."

LFA will amend totals

EXPLANATION: This amendment will accomplish the following:

- 1) (SRS) makes the medicaid match for education costs of children in treatment facilities a biennial appropriation.
- 2) (SRS) creates a biennial amount by combining the existing annual appropriations and adding an additional \$1,694,170 to provided medicaid match for the education costs of children placed in in-state treatment facilities.
- 3) (DFS) authorizes DFS appropriation authority by the amount of general fund transfer received from OPI for the education costs of children placed in medicaid eligible treatment facilities. This replaces the language removed in item 4.
- 4) (DFS) removes the existing language which increases item 4 by the amount of transfer.
- 5) (OPI) expands the scope of medicaid reimbursable education costs beyond the limitation of out-of-state treatment facilities.
- 6) (OPI) enables OPI to use in-state-treatment funds for day treatment programs beyond the \$200,000 limitation currently in HB2. This allows for more flexibility in placing the child in the best environment for his/her needs.
- 7) (OPI) allows OPI to transfer \$700,000 in general fund from the in-state treatment appropriation to DFS to provide the necessary medicaid matching funds in the DFS budget for education costs of children placed in in-state residential treatment facilities.

Amendment #14 passed as follows:

Ayes: Anderson, Bachini, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Schwinden, Schye, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wallin, Wanzenried, Whalen, Winslow, Zook, Mr. Speaker.

Total 86

Noes: Bergsagel, DeBruycker, Feland, Rehbein, Wagner.  
Total 5



Excused: Simon.

Total 1

Absent or not voting: Bardanouve, Gilbert, Grady, R. Johnson, McCulloch, Sayles, Wiseman, Wyatt.

Total 8

Representative Cobb moved HB 2, Section B, second reading copy, be further amended as follows (amendment #15):

1. Page B-14, line 10.

Strike: "In order to expend funds from the appropriation in item 1, the department shall by July 1, 1994, adopt rules that require"

Insert: "The appropriation in item 1 is contingent on a program being in place by July 1, 1994, that requires"

This amendment removes language directing the department to adopt rules, but keeps intact the requirement that the department require AFDC recipients with a child older than 1 year to participate in the JOBS program.

Amendment #15 passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 96

Noes: DeBruycker, Feland, Rehbein.

Total 3

Excused: Simon.

Total 1

Absent or not voting: None.

Total 0

Representative Daily resumed the Chair at this time.

Representative Cobb moved HB 2, Section B, second reading copy, be further amended as follows (amendment #16):

1. Page B-10, line 25.

Strike: "13,909,239            3,068,094            14,413,801            3,199,733"

Insert: "15,925,578	888,888	16,542,416	908,251"
2. Page B-11, line 14.			
Strike: "724,853	554,584	742,930	553,142"
Insert: "901,341	378,096	913,379	382,693"
3. Page B-11, line 22.			
Strike: "3,256,550	3,262,968"		
Insert: "3,256,550	general fund fiscal 1994		
3,262,968"	general fund fiscal 1995		
4. Page B-12, line 1.			
Strike: "52,555,250	328,494	56,962,259	328,494"
Insert: "46,670,810	6,287,934	50,958,630	6,407,123"
5. Page B-18, line 4.			
Strike: "6,161,409	2,327,258	5,350,831	2,327,258"
Insert: "7,492,737	995,930	6,682,159	995,930"
6. Page B-18, line 10.			
Strike: "13,699,013	2,966,029	13,888,806	2,969,811"
Insert: "14,912,639	1,752,403	15,102,432	1,756,185"
7. Page B-18, line 18.			
Strike: "629,010"			
Insert: "137,975"			

LFA will amend totals.

This amendment changes funding in the departments of Family Services and Social and Rehabilitation Services to reflect the proposed amendments to the second reading copy of House Bill 427. The amendments reinstate \$4.213 million general fund over the biennium. The amendment also corrects federal funds for the fiscal 1995 provider rate increase in DFS.

Amendment #16 passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Bohlinger, Brandewie, Brooke, Clark, Cobb, Cocchiarella, Davis, DeBruycker, Dolezal, Driscoll, Elliott, Ellis, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCulloch, Mills, L. Nelson, T. Nelson, Orr, Peck, Peterson, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simpkins, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wallin, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 81

Noes: Boharski, Brown, Daily, Dowell, Endy, Feland, Harrington, McCaffree, Menahan, Molnar, Pavlovich, Quilici, Rehbein, Smith, Spring, Wagner, Wanzenried.  
Total 17

Excused: Simon.

Total 1

Absent or not voting: McCarthy.

Total 1

Representative Cobb moved HB 2, Section B, second reading copy, be further amended as follows (amendment #17):

1. Page B-14, following line 11.

Insert: "Item 1 includes \$100,000 of state special revenue funds in each fiscal year for counties to contract for assistance in determining whether recipients of county general assistance qualify for federal social security disability assistance."

Amendment #17 passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Clark, Cobb, Cocchiarella, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simpkins, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 94

Noes: Brown, Daily, McCaffree, Smith, Vogel.

Total 5

Excused: Simon.

Total 1

Absent or not voting: None.

Total 0

Representative Cobb moved HB 2, Section B, second reading copy, be further amended (amendment #18). Amendment #18 failed as follows: (25-70)

Representative Cobb moved HB 2, Section B, second reading copy, be further amended as follows (amendment #19):

1. Page B-12, line 11.

Strike: "519,967 3,087 1,236,070 603,892 3,091 1,434,520"

Insert: "31,252 general fund fiscal 1994

31,253 federal special revenue fiscal 1994

11,263 general fund fiscal 1995

11,263" federal special revenue fiscal 1995

This amendment reduces the budget modification for the administration of House Bill 309 in order to conform with federal program administration requirements.

Amendment #19 passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 99

Noes: None.

Total 0

Excused: Simon.

Total 1

Absent or not voting: None.

Total 0

Representative Cobb moved HB 2, Section B, second reading copy, be further amended (amendment #20). Amendment #20 failed as follows: (31-68)

Representative Cobb moved HB 2, Section B, second reading copy, be further amended as follows (amendment #21):

1. Page B-12, line 1.

Strike: "52,555,250	154,099,235	56,962,259	161,097,549"
Insert: "51,293,823	151,007,912	55,694,209	158,067,125"

2. Page B-16, following line 16.

Insert: "If House Bill No. 333 is not passed and approved, item 6 is increased by \$1,261,427 general fund money in fiscal 1994, \$1,268,050 general fund money in fiscal 1995, \$3,091,323 federal special revenue in fiscal 1994 and \$3,030,424 federal special revenue in fiscal 1995."

This amendment removes general fund and federal funds for nursing home reimbursement. House Bill 333 (nursing home bed tax) will include an appropriation for these benefits.

Amendment #21 passed as follows:



Ayes: Anderson, Barnett, Barnhart, Benedict, Bergman, Bird, Bohlinger, Brandewie, Brooke, Clark, Cobb, Cocchiarella, Davis, Dolezal, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, T. Nelson, Orr, Peterson, Quilici, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Simpkins, Spring, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Wagner, Wallin, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 77

Noes: Bachini, Bardanoue, Bergsagel, Boharski, Brown, Daily, DeBruycker, Dowell, Feland, Harper, Harrington, Kadas, L. Nelson, Pavlovich, Peck, Raney, Schye, Smith, Squires, Vogel, Wanzenried.

Total 21

Excused: Simon.

Total 1

Absent or not voting: Gilbert.

Total 1

Debate on Section B of HB 2 closed at this time.

Representative DeBruycker explained Section C of HB 2.

Representative Driscoll moved HB 2, Section C, second reading copy, be amended as follows (amendment #1):

1. Page C-14.

Following: line 1

Insert: "Contingent on passage and approval of House Bill No. 616, the department is appropriated \$50,000 from the reclamation and development state special revenue account for the 1995 biennium to administer the clean coal technology program."

House Bill 616 provides a \$25 million loan for the MHD clean coal technology demonstration plant in Billings. It also provides that \$50,000 of loan payback in the 1995 biennium be deposited in the reclamation and development state special revenue account for the department's use in administering the clean coal program. This amendment provides the department with authority to expend the \$50,000 loan payback funds for administration of the clean coal program.

Amendment #1 passed as follows:

Ayes: Bardanoue, Barnhart, Bird, Bohlinger, Brown, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Ellis, Endy, Ewer, Fagg, Foster, Galvin, Gervais, Gilbert, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Keller, Larson, McCarthy, McCulloch, Menahan, T. Nelson, Pavlovich, Quilici, Raney, Ream, J. Rice, S. Rice, Russell, Ryan, Schwinden,

Schye, Simon, Squires, Stanford, Stovall, Strizich, Swanson, Toole, Tuss, Whalen, Wyatt.

Total 51

Noes: Anderson, Bachini, Barnett, Benedict, Bergman, Bergsagel, Boharski, Brandewie, Brooke, Clark, Cobb, Elliott, Feland, Fisher, Grady, Grimes, Grinde, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Knox, Mason, McCaffree, Mills, Molnar, L. Nelson, Orr, Peck, Peterson, Rehbein, Rose, Sayles, Simpkins, Smith, Spring, Tash, Tunby, Vogel, Wagner, Wallin, Wanzenried, Winslow, Wiseman, Zook, Mr. Speaker.

Total 49

Voted Absentee: Simon, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Kadas moved HB 2, Section C, second reading copy, be further amended as follows (amendment #2):

1. Page C-21.

Following: line 22

Insert: "At the beginning of each fiscal year, the board of housing shall deposit all funds appropriated in items 16 and 16a and in the pay plan bill for that fiscal year in the housing authority enterprise fund within the state treasury. These funds must remain in the state treasury until expended."

Amendment #2 passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 96

Noes: Feland, Rehbein.

Total 2

Excused: Simon.

Total 1

Absent or not voting: Molnar.  
Total 1

Representative S. Rice moved HB 2, Section C, second reading copy, be further amended (amendment #3). Amendment #3 failed as follows: (46-53)

Representative Grimes moved HB 2, Section C, second reading copy, be further amended as follows (amendment #4):

1. Page C-2, line 2.

Strike: "2,855,615            2,940,461"            [state special]

Insert: "2,886,897            2,971,763"            [state special]

2. Page C-2, line 14.

Strike: "1,699,217            1,731,972"            [state special]

Insert: "1,734,980            1,768,286"            [state special]

3. Page C-2, line 18.

Strike: "2,649,195    2,576,224    2,639,858    2,512,195"    [state  
special, federal]

Insert: "2,675,208    2,615,243    2,665,895    2,551,249"    [state  
special, federal]

4. Page C-3, line 3.

Strike: "2,800    8,396    2,795    8,385"    [state special, federal]

Insert: "6,667    19,999    6,667    19,999"    [state special, federal]

5. Page C-3, line 5.

Strike: "4,994    14,981    4,993    14,982"    [state special, federal]

Insert: "12,729    38,186    12,736    38,210"    [state special, federal]

6. Page C-3, line 9.

Strike: "4,336,304    175,867    4,354,244    175,043"    [state special,  
federal]

Insert: "4,465,236    177,692    4,484,103    176,873"    [state special,  
federal]

7. Page C-3, line 15.

Strike: "14,060    14,029"            [state special]

Insert: "45,000    45,000"            [state special]

8. Page C-3, line 21.

Strike: "2,876,666    2,265,851    2,852,681    2,281,981"    [state  
special, federal]

Insert: "2,928,648    2,395,354    2,904,865    2,411,778"    [state  
special, federal]

9. Page C-4, line 6.

Strike: "3,417,915            3,448,119"            [state special]

Insert: "3,484,228            3,514,775"            [state special]

10. Page C-4, line 18.

Strike: "262,295            271,638"            [state special]

Insert: "294,083                      303,459"                      [state special]

11. Page C-4, line 22.

Strike: "1,425,402                      1,433,363"                      [state special]

Insert: "1,446,392                      1,454,367"                      [state special]

12. Page C-5, line 5.

Strike: "1,907,799   452,317   1,933,505   440,765"   [state special,  
federal]

Insert: "1,948,292   515,770   1,974,079   504,294"   [state special,  
federal]

LFA will amend totals.

This amendment restores funding for 20.00 FTE eliminated in the Department of Fish, Wildlife and Parks.

Amendment #4 passed as follows:

Ayes: Anderson, Bardanouve, Barnhart, Benedict, Bergman, Bird, Bohlinger, Brandewie, Brown, Clark, Cocchiarella, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Foster, Galvin, Gilbert, Grimes, Grinde, Harper, Harrington, Hayne, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Mason, McCaffree, McCarthy, McCulloch, Menahan, Molnar, L. Nelson, Pavlovich, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Ryan, Schye, Simpkins, Spring, Squires, Stanford, Strizich, Swanson, Tash, Toole, Wallin, Wanzenried, Whalen, Wiseman, Wyatt, Mr. Speaker.

Total 65

Noes: Bachini, Barnett, Bergsagel, Boharski, Brooke, Cobb, Daily, Feland, Fisher, Gervais, Hansen, M. Hanson, Herron, Kasten, Larson, Mills, T. Nelson, Orr, Peck, Peterson, Rehbein, Russell, Sayles, Smith, Stovall, Tunby, Tuss, Vogel, Wagner, Winslow, Zook.

Total 31

Excused: Simon.

Total 1

Absent or not voting: Grady, H.S. Hanson, Schwinden.

Total 3

Representative Ream moved HB 2, Section C, second reading copy, be further amended (amendment #5). Amendment #5 failed as follows: (41-58)

Representative Ream moved HB 2, Section C, second reading copy, be further amended as follows (amendment #6):

1. Page C-2, line 2.

Strike: "488,078                      470,678"                      [federal]

Insert: "490,080                      472,682"                      [federal]

2. Page C-2, line 18.



Strike: "2,576,224	2,512,195"	[federal]
Insert: "2,644,904	2,581,175"	[federal]

3. Page C-3, line 9.

Strike: "175,867	175,043"	[federal]
Insert: "185,468	184,651"	[federal]

4. Page C-3, line 21.

Strike: "2,265,851	2,281,981"	[federal]
Insert: "2,291,623	2,307,778"	[federal]

5. Page C-5, line 5.

Strike: "452,317	440,765"	[federal]
Insert: "468,346	456,820"	[federal]

LFA will amend totals.

This amendment restores federal funding for 3.90 FTE in the Department of Fish, Wildlife and Parks.

Amendment #6 passed as follows:

Ayes: Bachini, Bardanoue, Barnhart, Bird, Bohlinger, Brooke, Brown, Cocchiarella, Davis, Dolezal, Dowell, Driscoll, Elliott, Endy, Ewer, Galvin, Gervais, Grimes, Hansen, Harper, Harrington, Hibbard, J. Johnson, Kadas, Larson, McCaffree, McCarthy, McCulloch, Menahan, Molnar, L. Nelson, Pavlovich, Peck, Quilici, Raney, Ream, S. Rice, Russell, Ryan, Schwinden, Schye, Squires, Stanford, Strizich, Swanson, Toole, Tuss, Wanzenried, Whalen, Wyatt.

Total 50

Noes: Anderson, Barnett, Benedict, Bergman, Bergsagel, Boharski, Brandewie, Clark, Cobb, Daily, DeBruycker, Ellis, Fagg, Feland, Fisher, Foster, Gilbert, Grady, Grinde, H.S. Hanson, M. Hanson, Hayne, Herron, R. Johnson, Kasten, Keller, Knox, Mason, Mills, T. Nelson, Orr, Peterson, Rehbein, J. Rice, Rose, Sayles, Simpkins, Smith, Spring, Stovall, Tash, Tunby, Vogel, Wagner, Wallin, Winslow, Wiseman, Zook, Mr. Speaker.

Total 49

Excused: Simon.

Total 1

Absent or not voting: None.

Total 0

Representative Elliott moved HB 2, Section C, second reading copy, be further amended (amendment #7). Amendment #7 failed as follows: (46-53)

Representative Elliott moved HB 2, Section C, second reading copy, be further amended (amendment #8). Amendment #8 failed as follows: (45-54)

Representative Quilici moved HB 2, Section C, second reading copy, be further amended as follows (amendment #9):

1. Page C-1, line 18.

Strike: "80,800 80,981"

Insert: "68,503"                      general fund, fiscal 1994  
          "68,671"                      general fund, fiscal 1995

LFA will adjust totals

This amendment restores the 5% personal services reduction for elected officials in the Public Service Commission.

Amendment #9 passed as follows:

Ayes: Bachini, Bardanouve, Barnhart, Bird, Brooke, Brown, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Endy, Ewer, Galvin, Gervais, Gilbert, Hansen, Harper, Harrington, J. Johnson, Kadas, Larson, McCaffree, McCarthy, McCulloch, Menahan, L. Nelson, T. Nelson, Pavlovich, Peck, Quilici, Raney, Ream, S. Rice, Russell, Ryan, Schwinden, Schye, Squires, Stanford, Strizich, Swanson, Toole, Tuss, Wanzenried, Whalen, Wyatt.

Total 50

Noes: Anderson, Barnett, Benedict, Bergman, Bergsagel, Boharski, Bohlinger, Brandewie, Clark, DeBruycker, Ellis, Fagg, Feland, Fisher, Foster, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Herron, Hibbard, R. Johnson, Kasten, Keller, Knox, Mason, Mills, Molnar, Orr, Peterson, Rehbein, J. Rice, Rose, Sayles, Simpkins, Smith, Spring, Stovall, Tash, Tunby, Vogel, Wagner, Wallin, Winslow, Wiseman, Zook, Mr. Speaker.

Total 49

Excused: Simon.

Total 1

Absent or not voting: None.

Total 0

Representative Grinde moved the committee rise. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair.

## REPORTS OF STANDING COMMITTEES

APPROPRIATIONS (Zook, Chairman):

3/19/93

**HB 6**, introduced bill, be amended as follows:

1. Page 4, line 2.

Strike: "33,750 66,250"

Insert: "50,000 150,000"

2. Page 4, line 4.

Strike: "100,000"

Insert: "50,000"

3. Page 4, lines 5 through 8.

Strike: lines 5 through 8 in their entirety

4. Page 4, lines 11 and 12.

Strike: lines 11 and 12 in their entirety

5. Page 4, line 14.

Strike: "21,974"

Insert: "60,000"

6. Page 4, line 16.

Strike: "50,000" (Recommended Grants Column)

Insert: "100,000"

7. Page 4, lines 19 through 22.

Strike: lines 19 through 22 in their entirety

8. Page 5, lines 1 through 4.

Strike: lines 1 through 4 in their entirety

9. Page 5, line 10.

Strike: "50,000 50,000"

Insert: "0 100,000"

10. Page 5, lines 15 and 16.

Strike: lines 15 and 16 in their entirety

11. Page 5, line 20.

Strike: "15,000"

Insert: "36,000"

12. Page 5, lines 23 through 26.

Strike: lines 23 through 26 in their entirety

13. Page 6, line 1.

Strike: line 1 in its entirety

14. Page 6, lines 7 through 10.

Strike: lines 7 through 10 in their entirety

15. Page 6, lines 14 and 15.

Strike: lines 14 and 15 in their entirety

16. Page 6, line 19.

Strike: "88,340"

Insert: "70,672"

17. Page 6, line 21.

Strike: "85,000"

Insert: "75,000"

18. Page 6, following line 21.

Insert: "This grant is contingent on the creation of a water district."

19. Page 6, lines 22 and 23.

Strike: lines 22 and 23 in their entirety

20. Page 7, lines 2 and 3.

Strike: lines 2 and 3 in their entirety

21. Page 7, lines 6 and 7.

Strike: lines 6 and 7 in their entirety

22. Page 7, lines 10 and 11.

Strike: lines 10 and 11 in their entirety

23. Page 7, line 12.

Following: line 11

Insert: "TOWN OF HOT SPRINGS

Camas Therapy Center 150,000"

(Recommended  
Grants Column)

"TOWN OF ENNIS

Water Storage &

Distribution 100,000"

(Recommended  
Grants Column)

24. Page 9, line 4.

Following: "\$100,000;"

Strike: "Cascade County RID No. 26,"

25. Page 9, line 5.

Following: "Prairie"

Insert: "Village Water and Sewer District"

26. Page 9, line 5.

Strike: "\$200,000"

Insert: "\$250,000"

27. Page 9, line 7.

Strike: "\$149,975"

Insert: "\$209,975"

28. Page 9, line 8.

Following: "\$14,169;"

Insert: "town of Neihart in the amount of \$150,000;"

And, as amended, do pass. Report adopted.

**HB 11**, introduced bill, be amended as follows:

1. Title, line 9.

Strike: "SECTION"

Insert: "SECTIONS 20-32-102 AND"

Following: "MCA;"

Insert: "REPEALING SECTION 20-32-104, MCA;"

2. Page 2, line 1.

Following: "costs"

Strike: ", as provided in 20-32-104"



3. Page 2, line 3.

Following: "appropriated"

Strike: "\$500,000 from the general fund and"

4. Page 2, lines 8 through 13.

Strike: subsection (2) in its entirety

Renumber: subsequent subsections

5. Page 2, following line 24.

Insert: "Section 3. Section 20-32-102, MCA, is amended to read:

"20-32-102. Agency cooperation -- responsibilities. (1) To meet the objectives of the network, the following entities shall cooperate with one another:

(a) the department of administration, with its responsibilities for telecommunications for agencies of state government;

(b) the superintendent of public instruction, with a supervisory role over the public system of elementary and high schools; and

(c) the commissioner of higher education, with responsibilities to the Montana university system, the vocational-technical centers, and the community colleges.

(2) The responsibilities of the superintendent of public instruction to the network include but are not limited to:

(a) general supervision of delivery of educational materials through telecommunications to elementary and high school districts in the state;

(b) compilation, maintenance, and dissemination to participating school districts of information that identifies the educational programming available from within and from outside the state;

(c) training of teachers and other school personnel in the use of telecommunications technologies for instructional purposes;

(d) assistance to school districts in identifying and procuring the telecommunications technologies needed to interface with the network;

(e) identification of production capability for telecommunication of educational materials;

(f) assistance to participating school districts with group purchases of instructional and educational materials;

(g) coordination with the commissioner of higher education and the units of the Montana university system to offer advanced placement courses, teacher inservice training, and other instruction through the network;

(h) payment of the superintendent's share of the network costs to the department of administration, as provided in 20-32-104;

(i)(h) coordination with the department of administration to ensure compatibility of network components, to minimize duplication of efforts on behalf of the network, and to maximize use of the network by school districts; and

(j)(i) determination of kinds of equipment, inservice, and district accounting necessary to implement the provisions of this part for school districts.

(3) The responsibilities of the department of administration to the network include but are not limited to:

(a) provision of technical support to the coordinating agencies referred to in subsection (1);

(b) development of standards of compatibility for the network;

(c) procurement and management of network equipment and facilities that have shared use by multiple users or agencies;

(d) assistance with procurement, installation, maintenance, and operation of end-terminal equipment and facilities of the network;

(e) minimizing any duplication of equipment and facilities within the network and in conjunction with the department of administration's other networking capabilities;

(f) coordination of use of the network by state agencies, subdivisions of the state, and public libraries in a manner that does not interfere with the delivery of the primary network function of providing educational services to school districts and state units of higher education;

(g) studying the use of the network by Native American tribal colleges and other nonpublic education institutions in the state, with the long-range goal of coordinating the use of the network with those entities; and

(h) maintenance of cost and usage records and a billing system for user agencies for services rendered that incur marginal costs for the network.

(4) The responsibilities of the commissioner of higher education to the network include but are not limited to:

(a) coordination of the use of the network among the units of higher education and with the superintendent of public instruction and the department of administration;

(b) assistance to the units of the Montana university system to provide college credit courses through the network to students throughout the state;

(c) coordination with the superintendent of public instruction to develop advance placement courses for high school students in Montana, teacher inservice training, and other services and instruction through the network;

(d) assistance to the units of the Montana university system, the vocational-technical centers, and the community colleges in defining their specific needs for interfacing with the network;

(e) assistance to participating units, centers, and colleges with group purchases of instructional and educational materials; and

(f) determination of the kinds of equipment, inservice, and accounting necessary to implement the provisions of this part for the university system, community colleges, and vocational-technical centers."

NEW SECTION. Section 4. Repealer. Section 20-32-104,  
MCA, is repealed."

Renumber: subsequent sections

And, as amended, do pass. Report adopted.

**HB 198**, introduced bill, be amended as follows:

1. Page 3, line 23.

Following: "the first day of the first"

Insert: "complete"

2. Page 29, line 6.

Following: "APPROPRIATION."

Insert: "(1)"

3. Page 29, line 12.

Strike: "7,315 7,925 14,630 15,850"

Insert: "7,096 7,268 14,361 14,367"

4. Page 29, line 14.

Strike: "4,080 8,160"

Insert: "3,602 7,205"

5. Page 29, line 16.

Strike: "7,379 2,934 19,627 3,480"

Insert: "6,240 3,108 15,499 3,197"

6. Page 29, line 18.

Strike: "1,620 60 3,240 120"

Insert: "1,466 0 2,932 0"

7. Page 29, line 20.

Strike: "1,260 2,520"

Insert: "1,140 2,280"

8. Page 29, line 22.

Strike: "19,560 2,640 39,120 5,280"

Insert: "18,240 2,508 36,480 5,016"

9. Page 29, line 23.

Following: line 22

Insert: "Montana University System

605,746 (fiscal 1994 general fund)

293,708 (fiscal 1994 other funds)

1,211,491 (fiscal 1995 general fund)

588,785" (fiscal 1995 other funds)

10. Page 29, line 25.

Strike: "1,079,781 1,573,171 2,206,710 3,161,769"

Insert: "905,094 1,538,072 1,794,223 3,096,075"

11. Page 29.

Following: line 25

Insert: "(2) The appropriation to the Montana university system includes funding for university system units as defined in 17-7-102(16)."

And, as amended, do pass. Report adopted.

**HB 427**, introduced bill, be amended as follows:

1. Title, line 9.

Strike: "REVISING"

Insert: "ELIMINATING EMERGENCY GRANTS; ELIMINATING"

2. Title, line 10.

Strike: "15-10-412,"

3. Title, lines 11 and 12.

Following: line 10

Insert: "33-32-103,"

Following: "39-71-118," on line 11

Insert: "40-4-215,"

Following: "52-1-110," on line 11

Insert: "53-2-201, 53-2-203,"

Following: "53-2-207," on line 11

Strike: remainder of line 11 through "53-2-306," on line 12

Following: "53-2-322," on line 12

Insert: "53-2-601, 53-2-606, 53-2-608, 53-2-610,"

4. Title, line 14.

Following: line 13

Insert: "53-2-1103,"

Strike: "53-3-112,"

5. Title, line 15.

Strike: "53-3-207, 53-3-303, 53-3-309,"

Insert: "53-3-205, AND"

6. Title, line 16.

Strike: "53-3-325, AND 53-3-326,"

7. Title, line 19.

Following: "53-3-110,"

Insert: "53-3-112,"

8. Title, line 20.

Following: "53-3-205,"

Insert: "53-3-207,"

9. Title, line 21.

Following: "53-3-215,"

Insert: "53-3-303,"

10. Title, line 22.

Following: line 21



Insert: "53-3-309,"  
Following: "53-3-311,"  
Insert: "53-3-313,"

11. Title, line 23.  
Strike: "AND"

12. Title, line 25.  
Following: "53-3-328,"  
Insert: "AND 90-4-211,"

13. Page 2, lines 13 and 14.  
Following: line 12  
Strike: line 13 through "3" on line 14  
Insert: "services for those in need who are not otherwise eligible for similar services provided by the department of social and rehabilitation services"

14. Page 4, line 12 through page 11, line 5.  
Strike: section 4 in its entirety  
Renumber: subsequent sections

15. Page 12, line 2.  
Following: line 1  
Insert: "Section 5. Section 33-32-103, MCA, is amended to read:

"33-32-103. Utilization review plan. A person may not conduct a utilization review of health care services provided or to be provided to a patient covered under a contract or plan for health care services issued in this state unless that person, at all times, maintains with the commissioner a current utilization review plan that includes:

(1) a description of review criteria, standards, and procedures to be used in evaluating proposed or delivered health care services that, to the extent possible, must:

(a) be based on nationally recognized criteria, standards, and procedures;

(b) reflect community standards of care, except that a utilization review plan for health care services under the ~~general relief medical assistance or medicaid programs~~ program provided for in Title 53 need not reflect community standards of care;

(c) ensure quality of care; and

(d) ensure access to needed health care services;

(2) the provisions by which patients or providers may seek reconsideration or appeal of adverse decisions by the person conducting the utilization review;

(3) the type and qualifications of the personnel either employed or under contract to perform the utilization review;

(4) policies and procedures to ensure that a representative of the person conducting the utilization review is reasonably accessible to patients and health care providers at all times;

(5) policies and procedures to ensure compliance with all applicable state and federal laws to protect the confidentiality of individual medical records;

(6) a copy of the materials designed to inform applicable patients and health care providers of the requirements of the utilization review plan; and

(7) any other information as may be required by the commissioner that is necessary to implement this chapter.""

Renumber: subsequent sections

16. Page 12, lines 21 through 23.

Following: "(b)" on line 21

Strike: remainder of line 21 through "53-3-303" on line 23

Following: "53-3-305"

Strike: "and"

17. Page 16, line 10.

Following: line 9

Insert: "Section 7. Section 40-4-215, MCA, is amended to read:

"40-4-215. Investigations and reports. (1) In contested custody proceedings and in other custody proceedings if a parent or the child's custodian so requests, the court may order an investigation and report concerning custodial arrangements for the child. If the court orders the department of family services to conduct the investigation, the department may charge a reasonable fee. The department shall waive the fee for conducting the investigation if the parent or the child's custodian requesting the investigation is a recipient of aid to families with dependent children; ~~or food stamps; or general relief benefits.~~ The cost of the investigation and report ~~shall~~ must be paid according to the final order.

(2) In preparing ~~his~~ the report concerning a child, the investigator may consult any person who may have information about the child and ~~his~~ potential custodial arrangements. Upon order of the court, the investigator may refer the child to professional personnel for diagnosis. The investigator may consult with and obtain information from medical, psychiatric, or other expert persons who have served the child in the past without obtaining the consent of the parent or the child's custodian; but the child's consent must be obtained if ~~he~~ the child has reached the age of 16 unless the court finds that ~~he~~ the child lacks mental capacity to consent. If the requirements of subsection (3) are fulfilled, the investigator's report may be received in evidence at the hearing.

(3) The court shall mail the investigator's report to counsel and to any party not represented by counsel at least 10 days prior to the hearing. The investigator shall make available to counsel and to any party not represented by counsel the investigator's file of underlying data and reports, complete texts of diagnostic reports made to the investigator pursuant to the provisions of subsection (2), and the names and addresses of all persons whom the investigator has consulted. Any party to the proceeding may call the investigator and any person whom ~~he~~ the investigator has consulted for cross-examination. A party may not waive ~~his~~ the right of cross-examination prior to the hearing.""

Renumber: subsequent sections

18. Page 17, line 14.

Following: "1987"

Insert: ", but at a later date reassumes responsibility pursuant to 53-2-811,"

19. Page 18, line 10.

Following: "1987"

Insert: ", but at a later date reassumes responsibility pursuant to 53-2-811,"

20. Page 18, line 23.

Following: line 22

Insert: "Section 10. Section 53-2-201, MCA, is amended to read:

"53-2-201. Powers and duties of department. (1) The department shall:

(a) administer ~~or~~ and supervise public assistance, including the provision of food stamps, food commodities, aid to families with dependent children, energy assistance, weatherization, vocational rehabilitation, services for persons with severe disabilities, developmental disability services, and medical care payments in behalf of recipients of public assistance;

(b) give consultant service to private institutions providing care for the needy, indigent, handicapped, or dependent adults;

(c) cooperate with other state agencies and develop provisions for services to the blind, including the prevention of blindness, the location of blind persons, medical services for eye conditions, and vocational guidance and training of the blind;

(d) provide services in respect to organization and supervise county departments of public welfare and county boards of public welfare in the administration of public assistance functions and for efficiency and economy;

(e) assist and cooperate with other state and federal departments, bureaus, agencies, and institutions, when so requested, by performing services in conformity with public assistance purposes;

(f) administer all state and federal funds allocated to the department for public assistance and do all things necessary, in conformity with federal and state law, for the proper fulfillment of public assistance purposes; and

(g) make rules governing payment for services and supplies provided to recipients of public assistance.

(2) The department may:

(a) purchase, exchange, condemn, or receive by gift either real or personal property which is necessary to carry out its public assistance functions. Title to property obtained under this subsection ~~shall~~ must be taken in the name of the state of Montana for the use and benefit of the department.

(b) contract with the federal government to carry out its public assistance functions. The department may do all things necessary in order to avail itself of federal aid and assistance.

(c) make rules, consistent with state and federal law, establishing the amount, scope, and duration of services to be provided to recipients of public assistance."

Section 11. Section 53-2-203, MCA, is amended to read:  
"53-2-203. Department to maintain merit system and supervise public assistance personnel. (H) The department shall:

(a)(1) maintain a merit system pertaining to qualifications for appointment, terms of office, annual merit rating, releases, promotions, and salary schedules for all public assistance personnel; personnel standards ~~shall~~ must conform as far as possible with general standards established or required by the federal government;

(b)(2) have examinations held from time to time throughout the state to establish and furnish to county departments lists, in order of merit, of persons eligible for appointment;

(c)(3) develop policies relating to educational leave of employees and to staff development needs;

(d)(4) supervise the appointment, dismissal, and entire status of the public assistance personnel attached to county boards in accordance with the merit system.

(2) ~~All public assistance personnel shall be residents of this state unless it is impossible to find residents of this state possessing qualifications required by the merit system. If possible, county assistance personnel shall be residents of the county in which they work."~~

Renumber: subsequent sections

21. Page 19, line 15 through page 23, line 23.

Strike: sections 10 through 13 in their entirety

Renumber: subsequent sections

22. Page 24, lines 4 through 11.

Following: "." on line 4

Strike: remainder of line 4 through "." on line 11

Insert: "Counties transferring financial responsibility for public assistance and protective services responsibilities to the state under part 8 of this chapter may not levy more than the difference between 13.5 mills and the state levy pursuant to 53-2-813."

23. Page 24, lines 17 through 19.

Following: "as" on line 17

Strike: remainder of line 17 through "and" on line 19

Insert: "necessary"

24. Page 24, line 22.

Strike: "of the county welfare department"

25. Page 26, line 17.

Strike: line 17 in its entirety

26. Page 27, line 13.

Following: line 12

Insert: "Section 14. Section 53-2-601, MCA, is amended to read:

"53-2-601. Disqualification from public assistance when property transferred for purpose of qualifying for public assistance.



The department may deny public assistance to any person who has ~~divested himself~~ directly or indirectly of transferred any property for the purpose of qualifying for public assistance. The department ~~shall make~~ may adopt rules that raise a rebuttable presumption that any transfer of property within 30 months of the date of application ~~for general relief~~ was for the purpose of qualifying for such assistance. ~~The department may also make rules consistent with federal law raising a similar rebuttable presumption for purposes of state administered federal public assistance programs authorized under Title 53."~~

Section 15. Section 53-2-606, MCA, is amended to read:

"53-2-606. Right of appeal. (1) If an application for assistance ~~under this title for food stamps, aid to families with dependent children, or medicaid~~ is not acted upon promptly or if a decision is made with which the applicant or recipient is not satisfied, ~~he~~ the applicant or recipient may appeal to the board of social and rehabilitation appeals for a fair hearing by addressing a request for a hearing to the department. The board of social and rehabilitation appeals shall, upon receipt of a request for a hearing, give the applicant or recipient prompt notice and opportunity for a fair hearing. ~~A county welfare board which is involved in a grievance shall be represented at such a hearing.~~

(2) The department may upon its own motion review any decision of a county welfare board and may consider any application upon which a decision has not been made by the county board within a reasonable time from the filing ~~thereof of the decision~~. The department may have an additional investigation made and shall make a decision as to the granting of assistance and the amount of assistance to be granted the applicant as in its opinion is justified and in conformity with the provisions of this title.

(3) If the department reviews a county decision on its own motion, applicants or recipients affected by the decisions of the department shall upon request be given reasonable notice and an opportunity for a fair hearing by the board of social and rehabilitation appeals.

(4) All decisions of the department or the board of social and rehabilitation appeals are final and are binding and ~~shall~~ must be complied with by the county department."

Section 16. Section 53-2-608, MCA, is amended to read:

"53-2-608. Method of issuing assistance grants. (1) Checks in payment of public assistance, ~~with the exception of general relief, shall~~ must be issued by the department of social and rehabilitation services upon approved certificates of award and reports of changes of ~~such~~ eligible grantees as are forwarded by the county ~~department~~ to the state department, and all ~~such~~ checks ~~will~~ must be mailed to the individual recipient or the appropriate vendor. The checks in payment of public assistance ~~shall~~ must be issued in the full approved amount for each eligible approved grantee, and the original monthly payment ~~shall~~ must be from the state public assistance accounts. All public assistance checks ~~shall~~

represent cash on demand at full par value to the recipient and vendor.

(2) Whenever the department of social and rehabilitation services, acting pursuant to standards established by the department, determines that any otherwise eligible recipient of public assistance has, by reason of any physical or mental condition, such inability to manage funds that making payments to ~~him~~ the recipient would be contrary to ~~his~~ the recipient's welfare, the department may, under standards established under the state plan, make the public assistance payment on behalf of ~~such~~ the recipient to another person found by the department to be interested in or concerned with the welfare of ~~such needy individual~~ the recipient."

Section 17. Section 53-2-610, MCA, is amended to read:  
"53-2-610. County to reimburse department. (1) On or before the 20th of each month, the department of social and rehabilitation services shall present a claim for reimbursement to each county department for its proportionate share of public assistance granted in the county to recipients during the month and for vendor medical payments made on behalf of recipients in the previous month. The county department shall make the reimbursement to the department of social and rehabilitation services within 20 days after the claim is presented.

(2) The counties may not be required to reimburse the department of social and rehabilitation services for:

(a) any portion of public assistance paid to a household eligible for aid to families with dependent children if the household includes an enrolled Indian who is the caretaker relative of a needy dependent child; or

(b) any payment on behalf of any person in a state-operated medical institution.

~~(3) The federal government may reimburse the state of Montana on behalf of counties providing general relief to enrolled Indians a sum in lieu of taxes which the counties would collect if the lands of such Indians were not in trust status.~~

~~(4)(3)~~ (a) From the original date of entrustment or the original date of state residency, whichever is earlier, recipients of public assistance who become wards or patients in a licensed nursing home or hospital, foster home, or private charitable institution ~~shall be~~ are the financial responsibility of the appropriate county as provided in subsections ~~(4)(b)~~ (3)(b) through ~~(4)(d)~~ (3)(d).

(b) The county in which commitment of an adult is initiated is considered the county of financial responsibility except where court decree declares the residency to be otherwise. When an adult is transferred from a facility or institution to one of the ~~above enumerated facilities listed in subsection (3)(a)~~, the county ~~which~~ that initiated the original commitment is considered the county of financial responsibility except in the case of an adult transfer from an out-of-state institution, in which case the county in which the facility is located is considered the county of financial responsibility.

(c) In all cases ~~where~~ in which a minor patient or ward is involved, the county of financial responsibility is the county in which the parent or guardian resides. If the custody of a minor is entrusted to a state agency, the agency may make a reasonable declaration of the county residency of its ward using applicable guidelines enumerated in this section.

(d) If a person is or becomes an adult while in an institution, ~~he~~ the person may determine ~~his own~~ the county of residence when ~~he~~ the person is restored to competency and released. The person becomes the financial responsibility of the new county of residence.""

Renumber: subsequent sections

27. Page 27, lines 17 and 18.

Following: "programs" on line 17

Strike: remainder of line 17 through "1" on line 18

28. Page 27, line 24.

Following: "."

Insert: "State assumption allows counties to pay the state the proceeds from the 9-mill levy provided for in 53-2-813 rather than an amount based on the actual cost of providing public assistance and protective services in the county. Counties that opt for state assumption may provide other optional services for indigents with money available from funds derived from the difference between the 9-mill levy and the maximum amount of 13.5 mills permitted by 53-2-322."

29. Page 28, lines 15 and 16.

Following: "assistance" on line 15

Strike: remainder of line 15 through "3" on line 16

30. Page 28, line 19.

Strike: "for the county"

31. Page 28, line 22.

Following: line 21

Insert: "for"

32. Page 28, line 24.

Following: "."

Insert: "A county may continue to provide optional indigent assistance as provided in [section 24] and nursing home and hospital services as provided in 7-6-2512."

33. Page 29, lines 21 and 22.

Following: "All" on line 21

Strike: remainder of line 21 through "a" on line 22

Insert: "responsibility of a county for"

34. Page 29, line 23.

Strike: "program"

Strike: "provide"

35. Page 30, lines 23 and 24.

Following: "assumption" on line 23

Strike: remainder of line 23 through "responsibility" on line 24

36. Page 31, lines 3 through 6.

Following: "~~department~~" on line 3

Strike: remainder of line 3 through "services" on line 6

37. Page 31, line 7.

Following: " " " "

Insert: "A county that has opted for state assumption prior to July 1, 1995, may reassume responsibility for public assistance and protective services on July 1, 1996, if the county notifies the department prior to September 30, 1995."

38. Page 31, line 20.

Strike: "A"

Insert: "Except as provided in this section, a"

39. Page 31, line 24.

Following: "assumption"

Insert: "or reassumption"

40. Page 32, lines 4 and 5.

Strike: "I" on line 4 through "J" on line 5

Insert: "July 1, 1995,"

41. Page 32, lines 13 through 15.

Strike: "The" on line 13 through "." on line 15

Insert: "Under a retention or reassumption, staff personnel continue under the supervision and control of the department. All debts and obligations of the department and the department of family services pertaining to public assistance and protective services at the time of reassumption must be transferred to the county opting for reassumption. A county may not retain or reassume assistance programs partially funded by the federal government."

42. Page 33, line 5.

Strike: "12"

Insert: "9"

43. Page 34, line 11.

Strike: "General relief"

Insert: "Indigent assistance"

44. Page 34, line 13.

Strike: "general relief"

Insert: "indigent assistance"

45. Page 34, line 18.

Strike: "general relief activities"

Insert: "indigent assistance program"



46. Page 34, line 19.

Strike: "include"

Insert: "includes"

47. Page 34, lines 20 and 21.

Following: "(a)" on line 20

Insert: "job search,"

Following: "training" on line 20

Insert: ", work-for-assistance,"

Following: "programs" on line 20

Strike: remainder of line 20 through "11" on line 21

48. Page 36, line 5.

Following: line 4

Insert: "Section 26. Section 53-2-1103, MCA, is amended to read:

"53-2-1103. Definitions. For the purposes of this part, unless the context requires otherwise, the following definitions apply:

(1) "Economically disadvantaged person" has the same meaning as provided in section 4 of the Job Training Partnership Act (29 U.S.C. 1503).

(2) "Job Training Partnership Act" means the federal Job Training Partnership Act of 1982, Public Law 97-300 (29 U.S.C. 1501, et seq.), as amended.

(3) "Job training plan" means the plan for providing services and training in a service delivery area, as required in 53-2-1107.

(4) "Program" means the program created by 53-2-1104 to implement the provisions of Title II-A of the Job Training Partnership Act.

(5) "Program year" means the fiscal year beginning on July 1 of the year for which an appropriation is made for the program established under this part, as provided in section 161 of the Job Training Partnership Act (29 U.S.C. 1571).

(6) "Public assistance program" means the state program of ~~general relief assistance or~~ aid to families with dependent children.

(7) "Service delivery area" means an area designated as provided in section 101 of the Job Training Partnership Act (29 U.S.C. 1511)."

Renumber: subsequent sections

49. Page 37, line 1 through page 39, line 24.

Strike: sections 24 through 27 in their entirety

Insert: "Section 28. Section 53-3-205, MCA, is amended to read:

"53-3-205. Eligibility for general relief. (1) Except as otherwise provided under this chapter, a person may receive general relief if the household is determined to be eligible under the provisions of this section.

(2) A person is eligible for general relief if ~~his~~ the person's total household income, including presumptive income but exclusive of the earned income disregard provided in subsection (4), does not exceed the amount established by the department by

rule. The department shall establish eligibility and the amount of benefits to be granted, taking into account the size of the household and the estimated number of eligible households. Eligibility and the amount of benefits to be granted must be ~~based on a percentage set at 32% of the federal poverty index. The percentage is established in the state general appropriations act.~~

(3) The maximum benefit amount to be granted to a person new to Montana must be reduced by \$50 per month for each of the first 2 months of the person's residency.

(4) For 4 consecutive months, the first \$30 plus one-third of the remainder of the total income earned each month by each household member who is a current recipient must be disregarded in determining a household's eligibility for general relief. If the total household income, exclusive of this amount, exceeds the amount established by the department under subsection (2), the household is not eligible for general relief. A current recipient is one who has been receiving general relief for at least 1 complete calendar month.

(5) (a) If a person's household income exceeds the monthly income standard provided in subsection (2) because of receipt of lump-sum income, ~~he the person~~ is ineligible for general relief for the full number of months, beginning with the month of receipt, derived by dividing the total of the lump-sum income and other income by the monthly income standard. Any income remaining from this calculation ~~will be~~ is considered as income in the first month following the period of ineligibility.

(b) The period of ineligibility may be recalculated if the household size changes or if a portion of the lump-sum income was used to pay medical bills for a serious medical condition.

(6) All applicants for and recipients of general relief who reside in the same residence are considered as one household.

(7) Eligibility for general relief must be determined prospectively, based on household income and other relevant circumstances reasonably certain to exist in the month in which assistance is to be provided. Once eligibility is determined, general relief ~~will~~ must be provided in accordance with 53-3-310 and 53-3-311.

(8) (a) Except as provided in subsection (8)(b), the equity value of all household resources must be considered available to meet the needs of the individual applying for general relief.

(b) The following resources of a household must be excluded from consideration of resources for eligibility purposes:

(i) the domicile of the household, including necessary appurtenant land not exceeding 10 acres;

(ii) a motor vehicle that has no more than \$1,500 in equity value;

(iii) personal items, clothing, household furniture, appliances, and other essential household items, the total equity value of which does not exceed resource eligibility limits established by rule; and

(iv) tools of a trade that are essential to the current or future employment of a household member.

(9) A person who is committed or sentenced by legal process to a state institution or a secure facility or who is

incarcerated in a secure facility pending resolution of legal process is not eligible for general relief.

(10) A person who resides for a period of 1 day or more in any state or federally operated institution or residence is not eligible for general relief for the period of that residency.

(11) For the purposes of an eligibility determination, an applicant for or recipient of general relief may be requested to produce all financial and other information concerning the household.

(12) A household is ineligible to receive general relief if the household is ineligible for either of the public assistance programs commonly referred to as medicaid and aid to families with dependent children because of overpayment, fraud, or failure or refusal to comply with requirements for continued participation in either program. The period of ineligibility for the household or individual household members is the same as the period of ineligibility for medicaid or the aid to families with dependent children program or, if ineligible for both programs, whichever period of ineligibility is longer.

(13) Whenever practical, an eligibility determination must be made within 30 days of the date of application and the applicant must be notified in writing of the eligibility determination and the reasons for the determination.""

Renumber: subsequent sections

50. Page 41, line 22 through page 42, line 13.

Strike: sections 29 and 30 in their entirety

Renumber: subsequent sections

51. Page 42, line 15.

Following: "53-3-110,"

Insert: "53-3-112,"

52. Page 42, line 16.

Following: "53-3-205,"

Insert: "53-3-207,"

53. Page 42, line 17.

Following: "53-3-215,"

Insert: "53-3-303,"

54. Page 42, line 18.

Following: "53-3-308,"

Insert: "53-3-309,"

Following: "53-3-311,"

Insert: "53-3-313,"

55. Page 42, line 20.

Strike: "and"

Following: "53-3-328,"

Insert: "and 90-4-211,"

56. Page 42, lines 22 and 24.

Strike: "21"

Insert: "24"

57. Page 43, line 1.

Strike: "18, 19, 28, and 32"

Insert: "28, 29, and 31"

58. Page 43, lines 3 and 4.

Following: "1 through" on line 3

Strike: remainder of line 3 through "31" on line 4

Insert: "27 and 30"

Strike: "January 1, 1994"

Insert: "July 1, 1993"

And, as amended, do pass. Report adopted.

**HB 522**, introduced bill, be amended as follows:

1. Title, line 8.

Strike: "AMENDING SECTION 17-5-502, MCA;"

2. Title, line 9.

Following: "DATE"

Insert: "AND A TERMINATION DATE"

3. Page 1, line 19.

Following: "by"

Strike: "an agency"

Insert: "the state"

4. Page 1, line 20.

Following: "3"

Insert: "continuous"

5. Page 2, line 4.

Following: "(a)"

Strike: the remainder of line 4

Insert: "notice of announcements for jobs for which the employee may qualify that arise within the terminating agency or within state government. Notices must be provided by the terminating agency for a period of 1 year from the date of separation."

6. Page 2, line 6.

Following: "state"

Insert: "through the Job Training Partnership Act service delivery areas dislocated worker programs"

7. Page 2, lines 11 through 13.

Following: "." on line 11

Strike: the remainder of line 11 through line 13

Insert: "The employee must be listed in the job register according to the occupational categories in which the employee is qualified for employment."



8. Page 2, lines 14 through 18.

Following: "hire" on line 14

Strike: the remainder of line 14 through line 18

Insert: "from the job register shall consider the employee's qualifications and length of state service. If two or more employees listed in the job register are equally qualified for a vacant position, the agency shall select the employee with the longest continuous state service."

9. Page 2, lines 21 and 22.

Following: "hire" on line 21

Strike: the remainder of line 21 and line 22

Insert: "a qualified external applicant or establish a training assignment, according to state policy."

10. Page 2, line 23 through page 3, line 14.

Following: "4."

Strike: the remainder of page 2, line 23 through page 3, line 14

Insert: "Salary and benefits protection -- employee transfer. (1) An employee whose position is eliminated as a result of privatization, reorganization of an agency, or closure of or a reduction in force at an agency and who is subsequently transferred to a different position in a state agency is entitled to:

(a) the same hourly salary as previously received if the new position is at the same grade level as the one previously held;

(b) retain all accrued sick leave credits;

(c) retain, cash out, or use accrued vacation leave credits to extend the employee's effective layoff date; and

(d) relocation expenses as provided in state policy."

11. Page 3, lines 17 through 19.

Strike: "state" on line 17 through "expenses" on line 19

Insert: "funds appropriated for this purpose"

12. Page 3, line 21.

Following: "contributions"

Insert: "-- retraining allowance"

13. Page 4, line 2.

Following: "for"

Strike: the remainder of line 2

Insert: "6 months from the effective date of layoff"

14. Page 4, line 18 through page 6, line 13.

Strike: section 7 in its entirety

Renumber: subsequent sections

15. Page 6, line 24.

Following: line 23

Insert: "NEW SECTION. Section 9. Coordination instruction. If House Bill No. 517 is passed and approved establishing a retirement incentive window, then employees accepting the retirement incentive benefits

provided in House Bill No. 517 are not eligible for the benefits provided by [this act]."

Renumber: subsequent section

16. Page 6.

Following: line 25

Insert: "NEW SECTION. Section 11. Termination. [This act] terminates July 1, 1995."

And, as amended, do pass. Report adopted.

**HB 585**, third reading copy, be amended as follows:

1. Title, lines 18 through 20.

Strike: "ASSESSING" on line 18 through "PROCEEDS;" on line 20

Insert: "PROVIDING AN APPROPRIATION;"

2. Title, page 1, line 25 through page 2, line 1.

Strike: "AMENDING" on page 1, line 25 through "MCA;" on page 2, line 1

3. Title, page 2, line 2.

Strike: "IMMEDIATE"

4. Page 9, line 19.

Following: "department."

Insert: "The department shall provide the bureau of mines and geology with all information received by the department under subsection (1) for conducting legitimate scientific studies."

5. Page 12, line 8 through page 14, line 6.

Strike: sections 8, 9, 10, and 11 in their entirety

Renumber: subsequent section

6. Page 14, line 13 through 14.

Strike: subsection (b) in its entirety

Renumber: subsequent subsections

7. Page 16, line 10 through page 17, line 8.

Strike: section 13 in its entirety

Renumber: subsequent sections

8. Page 18.

Following: line 15

Insert: "NEW SECTION. Section 9. Appropriation. There is appropriated from the reclamation and development grants state special revenue fund \$50,000 for the biennium ending June 30, 1995, to the department of health and environmental sciences for the purpose of administering and contracting with the bureau of mines and geology for the implementation of [sections 1 through 8]. The department shall contract with the bureau of mines and geology for purposes of implementing the provisions of [sections 1 through 8]."

Renumber: subsequent sections

9. Page 19, line 11.

Following: "on"

Strike: "passage and approval"

Insert: "July 1, 1993"

10. Page 4, lines 19 and 22.

Page 7, line 11.

Page 9, line 18.

Page 14, lines 19 and 24.

Page 18, lines 17 and 19.

Strike: "12"

Insert: "8"

And, as amended, do pass. Report adopted.

**HB 652**, introduced bill, be amended as follows:

1. Page 3, lines 3 and 4.

Strike: "shall" on line 3 through "trusts," on line 4

Insert: "may"

2. Page 3, line 5.

Following: "section"

Insert: "and that will achieve the highest net return to the trusts"

3. Page 3, line 13.

Strike: "prior to the award of the contract"

Insert: "when the contract is awarded"

And, as amended, do pass. Report adopted.

**HB 663**, introduced bill, be amended as follows:

1. Page 3, line 17.

Strike: "33,000"(Grant)

Insert: "33,000"(Loan)

2. Page 3, line 19.

Strike: line 19 in its entirety

3. Page 4, line 1.

Strike: line 1 in its entirety

4. Page 4, line 3.

Strike: line 3 in its entirety

And, as amended, do pass. Report adopted.

**HB 682**, introduced bill, do pass. Report adopted.

**HB 683**, introduced bill, be amended as follows:

1. Title, line 5.

Following: "AN ACT"

Insert: "GENERALLY REVISING ASSESSMENT LAWS;"

2. Title, line 7.

Following: "FUNDS;"

Insert: "ALLOWING DEPARTMENT OF REVENUE DISCRETION ON WHEN  
TO CONDUCT APPRAISAL SCHOOLS; ELIMINATING MANDATORY  
6-MONTH NOTICE FOR APPRAISAL SCHOOLS; MAKING REVIEW  
OF COMMERCIAL PERSONAL PROPERTY ASSESSMENTS  
PERMISSIVE;"

Following: "AMENDING"

Strike: "SECTION"

Insert: "SECTIONS"

Following: "7-4-2505,"

Insert: "15-7-106, 15-7-107, 15-8-103, AND 15-8-104,"

3. Page 2, line 14.

Strike: "vacates a"

Following: "position"

Insert: "is vacated"

4. Page 2.

Following: line 15

Insert: "Section 2. Section 15-7-106, MCA, is amended to read:

"15-7-106. Courses of instruction, examination, and  
certification. (1) The department of revenue shall offer courses in  
the principles, methods, and techniques of appraising for property  
tax purposes property in three fields:

- (a) residential property;
- (b) agricultural land; and
- (c) commercial and industrial property.

(2) ~~Twice each year the~~ The department shall conduct an  
examination for those who have completed a course of instruction  
in any of the three fields listed in subsection (1).

(3) The department shall issue a certificate to each  
appraiser successfully completing a course of instruction and  
passing an examination in any of these fields.

(4) No person may take the examination for appraising  
commercial and industrial property unless ~~he~~ that person holds a  
certificate in appraising residential property."

Section 3. Section 15-7-107, MCA, is amended to read:

"15-7-107. Certification required. (1) ~~Within 1 year after  
his employment by the department or by July 1, 1980, whichever  
occurs later, any~~ Any appraiser employed by the department to  
appraise:

- (a) residential property must obtain a certificate in  
appraising residential property;
- (b) agricultural land must obtain a certificate in appraising  
agricultural land; and
- (c) commercial and industrial property must obtain a  
certificate in appraising commercial and industrial property.



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(2) The department may promulgate rules requiring appraisers to complete continuing education courses in laws, rules, and methods relating to appraisal."

Section 4. Section 15-8-103, MCA is amended to read:

"15-8-103. Department to conduct assessing schools. The department of revenue shall schedule and hold area schools within the state for appraisers and assessors as often as it considers necessary. The costs of such appraisers and assessors attending shall be borne by the state. The department shall notify all assessors and appraisers ~~at least 6 months before~~ when such school is scheduled. All assessors and appraisers shall attend."

Section 5. Section 15-8-104, MCA is amended to read:

"15-8-104. Department audit and review of taxable value - costs of audit and review paid by department. (1) When in the judgment of the director of revenue it is necessary, audits may be made for the purpose of determining the taxable value of net proceeds of mines and oil and gas wells and all other types of property subject to ad valorem taxation.

(2) The department of revenue ~~shall conduct audits of~~ may conduct reviews to verify the accuracy of the assessment of all commercial personal property to assure that the value of the property in those classes reflects market value. Because the assessed value of commercial personal property is defined as market value under 15-8-111(2), the ~~audits~~ review conducted by the department ~~shall may~~ be ~~primarily~~ directed toward ensuring that all taxable personal property is reported to the department.

(3) The cost of any audit or review performed under subsection (1) or (2) shall be paid by the department.""

Renumber: subsequent section

And, as amended, do pass. Report adopted.

**HB 685**, introduced bill, be amended as follows:

1. Title, lines 21 and 22.

Strike: "AUTHORIZING" on line 21 through "SERVICES;" on line 22

2. Title, line 25.

Strike: "53-1-203,"

Strike: "53-21-206,"

3. Title, page 2, line 2.

Strike: "10-2-411,"

Strike: "10-2-414, 10-2-415, 10-2-416,"

4. Page 14, line 14 through page 16, line 7.

Strike: section 8 in its entirety

Renumber: subsequent sections

5. Page 18, lines 9 through 18.

Strike: section 11 in its entirety

Renumber: subsequent sections

6. Page 18, line 21.

Strike: "agency"

Insert: "facility"

7. Page 23, line 20.

Following: "must"

Insert: "generally"

8. Page 24, line 3.

Strike: "10-2-411,"

9. Page 24, line 4.

Strike: "10-2-414, 10-2-415, 10-2-416,"

10. Page 24, lines 11 and 14.

Strike: "9"

Insert: "8"

11. Page 24, line 15.

Following: line 14

Insert: "NEW SECTION. Section 17. Coordination instruction. (1) If [this act] is passed and approved, then Senate Bill No. 39 and Senate Bill No. 40 are void.

(2) If House Bill No. 46 is passed and approved and if it includes a section providing that the cigarette tax collected under 16-11-111 may be used for the operation and maintenance of state veterans' homes and for in-home health care, then [section 1 of this act] is void.

(3) If House Bill No. 2 is passed and approved and if it includes a provision that the department of corrections and human services may spend funds appropriated for personal services in other categories, then [section 14 of this act] is void."

Renumber: subsequent section

And, as amended, do pass. Report adopted.

JUDICIARY (Fagg, Chairman):

3/19/93

**SB 264**, third reading copy, be amended as follows:

1. Page 2, line 23.

Following: line 22

Insert: "(c) the sheriff or other law enforcement officials in the county, if known, in which the person intends to reside upon leaving confinement;"

Renumber: subsequent subsections

And, as amended, be concurred in. Report adopted.

**SB 321**, third reading copy, be concurred in. Report adopted.

**SB 344**, third reading copy, be amended as follows:

1. Page 1, line 25.

Strike: "THROUGH"

Insert: ", 45-5-503, 45-5-504,"

2. Page 2, lines 20 and 25.

Following: "the"

Insert: "district"

3. Page 2, line 25.

Following: "The"

Insert: "district"

4. Page 3, line 3.

Following: line 2

Insert: "NEW SECTION. Section 2. Coordination instruction. If Senate Bill No. 125 is passed and approved and if it amends 46-18-111 by:

(1) inserting in subsection (1) the words "against a victim", then the word "against" is changed to "involved";

(2) substituting in subsection (1) the words "supreme court administrator" for the words "department of commerce", then the words "supreme court administrator" are changed to "county or the state, or both,";

(3) inserting the word "district" before the word "court" near the beginning of the first sentence of subsection (2), then the word "district" is stricken."

Renumber: subsequent section

And, as amended, be concurred in. Report adopted.

**SB 406**, third reading copy, be amended as follows:

1. Page 6, line 15.

Following: "weapon"

Insert: "during or in connection with a quarrel, fight, or abusive behavior"

And, as amended, be concurred in. Report adopted.

TAXATION (Gilbert, Chairman):

3/19/93

**HB 322**, introduced bill, be amended as follows:

1. Title, line 4.

Following: "EXEMPTING"

Insert: "THE FIRST THREE BARRELS A DAY OF"

2. Title, lines 5 through 7.

Strike: "IF" on line 5 through "\$25" on line 7

3. Page 2, line 5.

Following: "in"

Insert: "15-36-121 and in"

4. Page 2, line 6.

Following: "(1)(d)"

Insert: "of this section"

5. Page 4, line 18.

Strike: "except as provided in 15-36-121,"

6. Page 9, line 18.

Strike: "All"

Insert: "The first 3 barrels a day of"

Strike: "a"

7. Page 9, line 19.

Strike: "is"

Insert: "are"

8. Page 9, line 20.

Strike: "(1)(d)"

9. Page 9, line 21 through page 10, line 5.

Strike: "u" on page 9, line 21 through "occurs" on page 10, line 5

And, as amended, do pass. Report adopted.

**HB 333**, introduced bill, be amended as follows:

1. Title, line 11.

Following: ";;"

Insert: "CREATING A STATE SPECIAL REVENUE ACCOUNT; DEPOSITING  
THE FEE IN THE ACCOUNT; APPROPRIATING FUNDS FOR THE  
1995 BIENNIUM;"

2. Title, line 11.

Strike: "AND"

Insert: ";

Following: "15-60-102,"

Insert: "AND 15-60-210,"

3. Page 3, line 11.

Strike: "\$2.85"

Insert: "\$2"

4. Page 3, line 12.

Strike: "\$3.65"

Insert: "\$2.80"

5. Page 3, line 13.

Following: "thereafter."

Insert: "The fees collected must be deposited in the nursing facility state  
special revenue account established in 15-60-210.

Section 3. Section 15-60-210, MCA, is amended to read:

"15-60-210. Disposition of fee -- nursing facility account.

(1) All proceeds from the collection of utilization fees, including  
penalties and interest, must be deposited in the ~~state general fund~~



nursing facility state special revenue account established in subsection (2).

(2) There is a nursing facility account in the state special revenue fund. The purpose of the account is to provide a continuing source of revenue for nursing facility reimbursements as appropriated by the legislature."

NEW SECTION. Section 4. Appropriations. The following money is appropriated from the account established in [section 3] and from federal matching funds to the department of social and rehabilitation services to fund medicaid payments to nursing facilities:

Fiscal Year 1994

State Special Revenue	\$ 4,656,028
Federal	11,410,321
Total	\$16,066,349

Fiscal Year 1995

State Special Revenue	\$ 6,552,848
Federal	15,660,196
Total	\$22,213,044"

Renumber: subsequent sections

And, as amended, do pass. Report adopted.

**HB 608**, introduced bill, be amended as follows:

1. Title, lines 7 and 8.

Strike: "ALLOCATING A PORTION OF THE RESOURCE INDEMNITY TAX PROCEEDS;"

2. Title, line 19.

Strike: "15-38-106,"

3. Title, line 25.

Strike: "90-2-1104,"

4. Page 3, lines 15 and 16.

Strike: "the rural economic revitalization program,"

5. Page 4, lines 2 through 6.

Strike: "Resource" on line 2 through "agencies." on line 6

6. Page 4, line 9 through page 6, line 18.

Strike: section 1 in its entirety

Renumber: subsequent sections

7. Page 26, line 6.

Strike: "section"

8. Page 54, lines 7 through 25.

Strike: section 32 in its entirety

Renumber: subsequent sections

9. Page 65, line 5.

Strike: ", 2,"

Strike: "4"

Insert: "3"

Strike: "35"

Insert: "33"

10. Page 65, line 7.

Strike: "3"

Insert: "2"

And, as amended, do pass. Report adopted.

**HB 643**, introduced bill, be amended as follows:

1. Title, line 4.

Following: "THAT"

Insert: "PARCELS OF"

Following: "LAND"

Insert: "LESS THAN 160 ACRES"

2. Title, lines 7 and 8.

Following: "PURPOSES;" on line 7

Insert: "TAXING PARCELS OF NONAGRICULTURAL LAND OF 20 ACRES  
OR MORE BUT LESS THAN 160 ACRES AT SEVEN TIMES THE  
RATE FOR GRAZING LAND; PROVIDING FOR APPROPRIATIONS;"

Strike: "SECTION"

Insert: "SECTIONS 15-6-133, 15-6-144,"

Following: "15-7-202,"

Insert: "AND 17-7-502,"

Strike: "A" on line 7 through "DATE" on line 8

Insert: "EFFECTIVE DATES"

3. Page 1.

Following: line 10

Insert: "Section 1. Section 15-6-133, MCA, is amended to read:

"15-6-133. Class three property -- description -- taxable  
percentage. (1) Class three property includes:

(a) agricultural land as defined in 15-7-202;

(b) nonproductive patented mining claims outside the  
limits of an incorporated city or town held by an owner for the  
ultimate purpose of developing the mineral interests on the  
property. For the purposes of this subsection (1)(b), the following  
provisions apply:

(i) The claim may not include any property that is used for  
residential purposes, recreational purposes as described in 70-16-  
301, or commercial purposes as defined in 15-1-101 or any  
property the surface of which is being used for other than mining  
purposes or has a separate and independent value for such other  
purposes.

(ii) Improvements to the property that would not disqualify  
the parcel are taxed as otherwise provided in this title, including

that portion of the land upon which such improvements are located and that is reasonably required for the use of the improvements.

(iii) Nonproductive patented mining claim property must be valued as if the land were devoted to agricultural grazing use.

(c) parcels of land of 20 acres or more but less than 160 acres under one ownership that are not eligible for valuation, assessment, and taxation as agricultural land under 15-7-202(2). The land may not be devoted to a commercial or industrial purpose.

(2) Class three property is taxed at the taxable percentage rate "P" of its productive capacity.

(3) Until July 1, 1986, the taxable percentage rate "P" for class three property is 30%.

(4) Prior to July 1, 1986, the department of revenue shall determine the taxable percentage rate "P" applicable to class three property for the revaluation cycle beginning January 1, 1986, as follows:

(a) The director of the department of revenue shall certify to the governor before July 1, 1986, the percentage by which the appraised value of all property in the state classified under class three as of January 1, 1986, has increased due to the revaluation conducted under 15-7-111. This figure is the "certified statewide percentage increase".

(b) The taxable value of property in class three is determined as a function of the certified statewide percentage increase in accordance with the table shown below.

(c) This table limits the statewide increase in taxable valuation resulting from reappraisal to 0%. In calculating the percentage increase, the department may not consider agricultural use changes during calendar year 1985.

(d) The taxable percentage must be calculated by interpolation to coincide with the nearest whole number certified statewide percentage increase from the following table:

Certified Statewide Percentage Increase	Class Three Taxable Percentage "P"
0	30.00
10	27.27
20	25.00
30	23.08
40	21.43
50	20.00

(5) After July 1, 1986, no adjustment may be made by the department to the taxable percentage rate "P" until a revaluation has been made as provided in 15-7-111.

(6) The land described in subsection (1)(c) is valued at the productive capacity value of grazing land, at a production level set by the department, and the taxable value is computed by multiplying the value by seven times the taxable rate for agricultural land."

Section 2. Section 15-6-144, MCA, is amended to read:

"15-6-144. Class eleven property -- description -- taxable percentage. (1) Class eleven property includes all improvements on land that is eligible for valuation, assessment, and taxation as agricultural land under 15-7-202(2)(3). Class eleven property includes 1 acre of real property beneath the agricultural improvements. The 1 acre shall be valued at market value.

(2) Class eleven property is taxed at 80% of the taxable percentage applicable to class four property."

Renumber: subsequent sections

4. Page 1, line 13.

Strike: "20"

Insert: "160"

5. Page 1, line 17.

Following: "use"

Insert: "none of the parcels is devoted to a commercial or industrial use.

(2) Contiguous parcels of land of 20 acres or more but less than 160 acres are eligible for valuation, assessment, and taxation as agricultural land if"

Renumber: subsequent subsections

6. Page 1, line 24.

Strike: "(8)"

Insert: "(9)"

7. Page 2, line 11.

Strike: "(2)(a)"

Insert: "(3)(a)"

8. Page 2, line 17.

Strike: "and (2)"

Insert: "through (3)"

9. Page 3, line 14.

Strike: "(2)(a)"

Insert: "(2), (3)(a),"

10. Page 3, line 15.

Strike: "(2)(b)"

Insert: "(3)(b)"

11. Page 3.

Following: line 20

Insert: "Section 4. Section 17-7-502, MCA, is amended to read:

"17-7-502. Statutory appropriations -- definition -- requisites for validity. (1) A statutory appropriation is an appropriation made by permanent law that authorizes spending by a state agency without the need for a biennial legislative appropriation or budget amendment.

(2) Except as provided in subsection (4), to be effective, a statutory appropriation must comply with both of the following provisions:



(a) The law containing the statutory authority must be listed in subsection (3).

(b) The law or portion of the law making a statutory appropriation must specifically state that a statutory appropriation is made as provided in this section.

(3) The following laws are the only laws containing statutory appropriations: 2-9-202; 2-17-105; 2-18-812; 10-3-203; 10-3-312; 10-3-314; 10-4-301; 13-37-304; 15-1-111; [section 6]; 15-23-706; 15-25-123; 15-31-702; 15-36-112; 15-37-117; 15-65-121; 15-70-101; 16-1-404; 16-1-410; 16-1-411; 17-3-212; 17-5-404; 17-5-424; 17-5-704; 17-5-804; 17-6-409; 17-7-304; 19-5-404; 19-6-709; 19-8-504; 19-9-702; 19-9-1007; 19-10-205; 19-10-305; 19-10-506; 19-11-512; 19-11-513; 19-11-606; 19-12-301; 19-13-604; 19-15-101; 20-4-109; 20-6-406; 20-8-111; 20-9-361; 20-26-1503; 22-3-811; 23-5-136; 23-5-306; 23-5-409; 23-5-610; 23-5-612; 23-5-631; 23-7-301; 23-7-402; 27-12-206; 37-43-204; 37-51-501; 39-71-2504; 44-12-206; 44-13-102; 53-6-150; 53-24-206; 61-5-121; 67-3-205; 75-1-1101; 75-5-507; 75-5-1108; 75-11-313; 76-12-123; 77-1-808; 80-2-103; 80-11-310; 82-11-136; 82-11-161; 85-1-220; 90-3-301; 90-4-215; 90-6-331; 90-7-220; and 90-9-306.

(4) There is a statutory appropriation to pay the principal, interest, premiums, and costs of issuing, paying, and securing all bonds, notes, or other obligations, as due, that have been authorized and issued pursuant to the laws of Montana. Agencies that have entered into agreements authorized by the laws of Montana to pay the state treasurer, for deposit in accordance with 17-2-101 through 17-2-107, as determined by the state treasurer, an amount sufficient to pay the principal and interest as due on the bonds or notes have statutory appropriation authority for the payments. (In subsection (3): pursuant to sec. 7, Ch. 567, L. 1991, the inclusion of 19-6-709 terminates upon death of last recipient eligible for supplemental benefit; and pursuant to sec. 18, Ch. 748, L. 1991, the inclusion of 22-3-811 terminates June 30, 1993.)"

NEW SECTION. Section 5. Appropriation. There is appropriated to the department of revenue \$111,000 from the general fund for the fiscal year ending June 30, 1994, for the administration of 15-6-133 and 15-7-202, as amended by [this act].

NEW SECTION. Section 6. Statutory appropriation. There is statutorily appropriated, as provided in 17-7-502, \$90,000 from the general fund each year for the administration of 15-6-133 and 15-7-202, as amended by [this act]."

Renumber: subsequent section

12. Page 3, line 21.

Strike: "date"

Insert: "dates"

13. Page 3, lines 22 and 23.

Strike: "[This act] is"

Insert: "(1) [Section 5 and this section] are"

Strike: "January"

Insert: "July"  
Strike: "1994,"  
Insert: "1993."

- (2) [Sections 4 and 6] are effective July 1, 1994.
- (3) [Sections 1 through 3] are effective July 1, 1994,"

14. Page 3, line 23.  
Strike: "applies"  
Insert: "apply"

And, as amended, do pass. Report adopted.

**HB 670**, introduced bill, be amended as follows:

1. Page 4, line 13.  
Following: "."

Insert: "Any amount contributed to an account that is intended to be used for workers' compensation purposes must be identified for that purpose at the time it is contributed to the account."

2. Page 4, line 16.  
Following: "to the"  
Insert: "Montana"

3. Page 4, line 17.  
Strike: "Adjusted"  
Insert: "Montana adjusted"

4. Page 12, line 23.  
Following: "(2)"  
Insert: "a portion of"

5. Page 13, line 1.  
Following: "income"  
Insert: "for the same tax year"

6. Page 23, lines 11 through 13.  
Strike: "the amount" on line 11 through "[section 3]," on line 13  
Insert: "insurance coverage of"

7. Page 23, line 15.  
Strike: ", "

8. Page 23, line 17.  
Following: "account"  
Insert: ", established in accordance with [section 3],"

And, as amended, do pass. Report adopted.

**HB 680**, introduced bill, be amended as follows:

1. Page 1, line 17.  
Strike: "~~pre-1994~~"  
Following: "loans"

Insert: "made prior to July 1, 1995"

2. Page 2, line 12.

Strike: "January"

Insert: "July"

Strike: "1994"

Insert: "1995"

3. Page 5, line 20.

Strike: "January"

Insert: "July"

Strike: "1994"

Insert: "1995"

And, as amended, do pass. Report adopted.

### **FIRST READING AND COMMITMENT OF BILLS AND RESOLUTIONS**

The following House bill was introduced, read first time, and referred to committee:

**HB 689**, introduced by Fisher, Peterson (by request of the Subcommittee on General Government and Highways), referred to Committee on Appropriations

### **MOTIONS**

Representative Cocchiarella moved the rules be suspended to allow an additional sponsor to be added to HB 469. Motion carried.

Representative T. Nelson moved SB 329 be taken from engrossing and rereferred to the Committee on Labor and Employment Relations. Motion carried.

Representative Raney moved his name be removed from HB 388 as a sponsor and that Representative Gilbert's name be added. Motion carried.

### **SPECIAL ORDERS OF THE DAY**

The following sponsor was added to HB 469: J. Johnson.

### **ANNOUNCEMENTS**

Committee meetings were announced by committee chairmen.

Representative Grinde moved the House adjourn until 8:00 a.m., Saturday, March 20, 1993. Motion carried.

House adjourned at 6:40 p.m.

John Mercer, Speaker

Marilyn Miller, Chief Clerk

## SIXTY-THIRD LEGISLATIVE DAY

Helena, Montana  
March 20, 1993

House Chambers  
State Capitol

House convened at 8:00 a.m. Mr. Speaker in the Chair. Invocation sung by Paul Fossum. Pledge of Allegiance to the Flag.

Roll call. All members present except Simon, Tash, Wiseman, excused. Quorum present.

Mr. Speaker: We, your committee on Legislative Administration/Bills and Journal, having examined the daily journals for the fifty-ninth and sixtieth legislative days, find the same to be correct.

Harriet Hayne, Chairman

Mr. Speaker introduced this week's pages:

Jamie A. Veis, Polson (permanent page)  
Scott S. Benedict, Hamilton  
Eric D. Dowell, Kalispell  
Timothy D. Love, Townsend  
Briana N. Kerstein, Billings  
William "Will" Engle, Helena  
Greg Clark, Winston  
Nathan R. Quayle, Bozeman

### Honorary Pages

Tara Benedict, Hamilton  
Amy Wilson, Hamilton  
Ilene Morgan, Missoula  
Nicol Falcon, Missoula  
Quinn Fisher, Winifred  
Jen Orr, Libby  
Drew Mogan, Laurel  
Aaron Molnar, Laurel

## REPORTS OF STANDING COMMITTEES

Examined by the sponsor and found to be correct:

HB 230 - Winslow  
HB 561 - Brown  
HB 566 - Swanson  
HB 577 - Brown

Delivered to the Governor for his approval at 1:40 p.m., 3/19/93: HB 53, HB 150, HB 189, HB 203, HB 208, HB 211, HB 234, HB 251, HB 259, HB 266, HB 356, HB 390, HB 403, HB 404, HB 440, HB 446, HB 464, HB 465, HB 493, HB 513, HB 520, HB 521, HB 535, HB 631.

## MESSAGES FROM THE SENATE

House bills concurred in and returned to the House:

3/18/93

**HB 279**, introduced by Gilbert



**HB 490**, introduced by Orr  
**HB 499**, introduced by Cobb

House bills concurred in and returned to the House: 3/19/93

**HB 171**, introduced by M. Hanson  
**HB 363**, introduced by J. Rice  
**HB 364**, introduced by Mercer  
**HB 381**, introduced by Ryan  
**HB 414**, introduced by Keller  
**HB 417**, introduced by Tunby  
**HB 432**, introduced by Smith  
**HB 538**, introduced by Foster  
**HB 595**, introduced by Harper

House bill concurred in as amended and returned to the House for  
concurrence in Senate amendments: 3/18/93

**HB 84**, introduced by Fagg

House bills concurred in as amended and returned to the House for  
concurrence in Senate amendments: 3/19/93

**HB 273**, introduced by Dolezal  
**HB 288**, introduced by Feland  
**HB 299**, introduced by Wallin

House amendments to Senate bills concurred in: 3/18/93

**SB 108**, introduced by Gage  
**SB 362**, introduced by Halligan

House amendments to Senate bills concurred in: 3/19/93

**SB 194**, introduced by Waterman  
**SB 272**, introduced by Koehnke  
**SB 411**, introduced by Bianchi

House amendments to Senate Joint Resolution not concurred in:  
3/18/93

**SJR 17**, introduced by Weeding

Governor's amendments to Senate bill concurred in: 3/19/93

**SB 89**, introduced by Jacobson

#### MESSAGES FROM THE GOVERNOR

The Honorable John Mercer  
Speaker of the House  
State Capitol  
Helena, Montana 59620

March 18, 1993

Dear Representative Mercer:

Please be informed that I have signed House Bill 289 on March 18, 1993.

Sincerely,

MARC RACICOT  
Governor

The Honorable John Mercer  
Speaker of the House  
State Capitol  
Helena, Montana 59620

March 19, 1993

Dear Representative Mercer:

Please be informed that I have signed House Bills 197, 377 and 380 on March 19, 1993.

Sincerely,

MARC RACICOT  
Governor

### **MOTIONS**

Representative Grinde moved the House recess until 9:10 a.m. Motion carried.

House recessed at 8:07 a.m.

House reconvened at 9:10 a.m. Speaker Pro Tempore M. Hanson in the Chair.

Representative Peck moved the rules be suspended to allow the removal of co-sponsors, Kadas, Russell, Wanzenried and himself, from HB 667. Motion carried.

Mr. Speaker resumed the Chair at this time.

### **SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)**

Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Gilbert in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 2** - Representative Hibbard moved HB 2, Section C, second reading copy, be further amended as follows (amendment #10):

1. Page C-20.

Following: line 10

Insert: "15. Montana Science and Technology Alliance (73)

445,975 455,960 [state special]

a. Legislative Audit (Restricted/Biennial)

1,403" [state special]

Renumber: subsequent subsections

2. Page C-21.

Following: line 22

Insert: "Item 15 is contingent on passage and approval of House Bill No. 394."

LFA will amend totals.

Amendment #10 passed as follows:

Ayes: Bachini, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Bohlinger, Brooke, Brown, Cocchiarella, Daily, Dolezal, Driscoll, Ellis, Endy, Ewer, Fagg, Fisher, Gervais, Grady, Grimes, Hansen, H.S. Hanson, Harper, Harrington, Herron, Hibbard, J. Johnson, Kadas, Keller, Knox, Mason, McCarthy, McCulloch, Menahan, Mills, T. Nelson, Orr, Pavlovich, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schye, Simpkins, Smith, Squires, Stanford, Stovall, Strizich, Swanson, Toole, Tuss, Wagner, Wallin, Whalen, Wiseman, Wyatt, Mr. Speaker.

Total 66

Noes: Anderson, Bardanouve, Brandewie, Clark, Cobb, Davis, DeBruycker, Dowell, Elliott, Feland, Foster, Galvin, Gilbert, Grinde, M. Hanson, Hayne, R. Johnson, Kasten, Larson, McCaffree, Molnar, L. Nelson, Peck, Rehbein, Schwinden, Spring, Tunby, Vogel, Wanzenried, Winslow, Zook.

Total 31

Voted Absentee: Wiseman, Aye.

Excused: Simon, Tash.

Total 2

Absent or not voting: Boharski.

Total 1

Representative Wanzenried moved HB 2, Section C, second reading copy, be further amended as follows (amendment #11):

1. Page C-20.

Following: line 10

Insert: "15. Montana Science and Technology Alliance

457,378 (state special revenue fy94)

455,960" (state special revenue fy95)

Renumber: subsequent sections

LFA will adjust totals

2. Page C-21.

Following: line 22

Insert: "It is the intent of the legislature that the Montana science and technology alliance be funded only with revenue received from loan repayments in the 1995 biennium."

This amendment reinstates the Montana science and technology alliance program, and adds language stating the program only be funded with loan repayment revenue which is projected to be \$62,450 in fiscal 1994 and \$275,500 in fiscal 1995.

Amendment #11 passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Bohlinger, Brandewie, Brooke, Brown, Clark, Cocchiarella, Davis, DeBruycker, Dolezal, Dowell, Elliott, Ellis, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Grady, Grimes, Grinde, Hansen, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Peck, Peterson, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Schwinden, Schye, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Wyatt, Zook, Mr. Speaker.  
Total 80

Noes: Boharski, Cobb, Daily, Driscoll, Endy, Gilbert, H.S. Hanson, R. Johnson, Kadas, Kasten, Pavlovich, Quilici, Rehbein, Winslow.  
Total 14

Excused: Simon, Tash, Wiseman.  
Total 3

Absent or not voting: Feland, M. Hanson, Sayles.  
Total 3

Representative Quilici moved the House reconsider its action on HB 2, Section C, amendment #9, taken on second reading the previous legislative day. Motion carried. (89-1)

Representative Quilici moved to strike HB 2, Section C, amendment #9. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brown, Clark, Cobb, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wyatt, Zook, Mr. Speaker.



Total 93

Noes: Cocchiarella, Harper, Peck.

Total 3

Excused: Simon, Tash, Wiseman.

Total 3

Absent or not voting: Brooke.

Total 1

Representative Quilici moved HB 2, Section C, second reading copy, be further amended as follows (amendment #12):

1. Page C-1, line 4.

Strike: "2,055,360	2,053,664"	[general fund]
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Insert: "2,091,664	2,090,014"	[general fund]
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LFA will amend totals.

This amendment restores funding (\$36,304 in fiscal 1994 and \$36,350 in fiscal 1995) for 1.00 FTE utility rate analysis in the Department of Public Service Regulation.

Amendment #12 passed as follows:

Ayes: Anderson, Bachini, Bardanoue, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Schwinden, Schye, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wyatt, Zook, Mr. Speaker.

Total 89

Noes: Boharski, DeBruycker, Fisher, M. Hanson, Kasten, Rehbein, Sayles.

Total 7

Excused: Simon, Tash, Wiseman.

Total 3

Absent or not voting: H.S. Hanson.

Total 1

Representative Clark moved the House reconsider its action on HB 2, Section C, amendment #6, taken on second reading the previous legislative day. Motion carried. (65-30)

Representative Ream moved his original motion, that HB 2, Section C, second reading copy, be further amended (amendment #6). Amendment #6 failed as follows: (47-53)

Representative Raney moved HB 2, Section C, second reading copy, be further amended (amendment #13). Amendment #13 failed as follows: (45-54)

Representative Davis moved HB 2, Section C, second reading copy, be further amended (amendment #14). Amendment #14 failed as follows: (45-55)

Representative Grinde moved the House recess until 12:55 p.m. Motion carried.

House recessed at 12:08 p.m.

House reconvened at 12:55 p.m. Representative Gilbert in the Chair.

Representative Schye moved HB 2, Section C, second reading copy, be further amended as follows (amendment #15):

1. Page C-14.

Strike: lines 24 and 25 in their entirety

2. Page C-15.

Strike: lines 1 through 3 in their entirety

This is a technical amendment removing language regarding legislative contract authority in Energy Division in the Department of Natural Resources and Conservation. An amendment passed on the House floor removing all legislative contract authority in House Bill 2.

Amendment #15 passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gilbert, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Ryan, Schwinden, Schye, Simpkins, Smith, Squires, Stanford, Stovall, Strizich, Swanson, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wyatt, Zook, Mr. Speaker.

Total 87

Noes: Cobb, DeBruycker, Kasten, Rehbein, Sayles, Spring.

Total 6

Excused: Simon, Tash, Wiseman.

Total 3

Absent or not voting: Bergman, Gervais, Grady, Russell.  
Total 4

Representative Hibbard moved the House reconsider its action on HB 2, Section C, amendment #10, taken on second reading this legislative day. Motion carried. (78-13)

Representative Hibbard withdrew his amendment #10.

Representative DeBruycker moved HB 2, Section C, second reading copy, be further amended (amendment #16). Amendment #16 failed as follows: (20-76)

Representative Schye moved HB 2, Section C, second reading copy, be further amended (amendment #17). Amendment #17 failed as follows: (41-52)

Representative Ream moved HB 2, Section C, second reading copy, be further amended (amendment #18). Amendment #18 failed as follows: (47-53)

Representative Kadas moved HB 2, Section C, second reading copy, be further amended as follows (amendment #19):

1. Page C-10, line 11.

Strike: "267,970	270,263"	[general fund]
Insert: "262,920	5,050 265,213	5,050" [general fund,
		state special]

2. Page C-11.

Following: line 6

Insert: "State special revenue appropriations in item 7 are to be funded from money derived from annual meat establishment license fees established in 81-9-201."

LFA will amend totals.

This amendment replaces \$5,050 of general funds each year in the Department of Livestock's meat inspection program with state special revenue to be derived from revenue from license fees on meat establishments. A \$50 license fee on the 101 licensed establishments will generate \$5,050 each year.

Amendment #19 passed as follows:

Ayes: Bachini, Barnhart, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Cobb, Cocchiarella, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Galvin, Gervais, Harper, Harrington, Hibbard, J. Johnson, Kadas, Larson, McCaffree, McCarthy, Menahan, Molnar, Peck, Quilici, Raney, Ream, S. Rice, Russell, Ryan, Sayles, Schwinden, Schye, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Toole, Tunby, Tuss, Whalen, Wyatt, Zook.

Total 57

Noes: Anderson, Bardanouve, Barnett, Benedict, Bergsagel, Clark, Daily, Feland, Foster, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Hayne, Herron, R. Johnson, Kasten, Keller, Knox, Mason, McCulloch, Mills, L. Nelson, T. Nelson, Orr, Pavlovich, Peterson, Rehbein, J. Rice, Rose, Tash, Vogel, Wagner, Wallin, Wanzenried, Winslow, Mr. Speaker.

Total 40

Voted Absentee: Tash, No.

Excused: Simon, Wiseman.

Total 2

Absent or not voting: Bergman.

Total 1

Representative S. Rice excused at this time.

Representative Ream moved HB 2, Section C, second reading copy, be further amended (amendment #20).

Representative Ream withdrew his amendment #20.

Debate on Section C of HB 2 closed at this time.

Representative Grady explained Section D of HB 2.

Representative Brooke moved HB 2, Section D, second reading copy, be amended (amendment #1). Amendment #1 failed as follows: (40-59)

Representative Brooke moved HB 2, Section D, second reading copy, be amended as follows (amendment #2):

1. Page D-5, line 9.

Strike: "836,370	906,503"	(State Special Revenue)
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Insert: "850,362	920,513"	(State Special Revenue)
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This amendment adds 0.5 FTE substance abuse counselor at WCC. This position is funded with earmarked alcohol tax.

Amendment #2 passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnhart, Bird, Bohlinger, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grinde, Hansen, Harper, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Larson, McCaffree, McCarthy, McCulloch, Menahan, Mills, L. Nelson, T. Nelson, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Schwinden, Schye, Simpkins, Smith, Squires, Stanford, Stovall, Strizich, Swanson, Toole, Tunby, Tuss, Wallin, Wanzenried, Whalen, Winslow, Wyatt, Mr. Speaker.

Total 73



Noes: Barnett, Benedict, Bergman, Bergsagel, Boharski, Brandewie, Cobb, DeBruycker, Ellis, Feland, Grimes, H.S. Hanson, M. Hanson, Harrington, Kasten, Mason, Molnar, Orr, Rehbein, Sayles, Spring, Vogel, Wagner, Zook.  
Total 24

Voted Absentee: S. Rice, Aye.

Excused: Simon, Tash, Wiseman.  
Total 3

Absent or not voting: None.  
Total 0

Representative Grady moved HB 2, Section D, second reading copy, be further amended as follows (amendment #3):

1. Page D-5, line 9.		
Strike: "62,474/	62,474"	(Federal Special Revenue)
Insert: "461,443/	465,879"	(Federal Special Revenue)
2. Page D-5, line 15.		
Strike: "1,362,176/	1,362,176"	(Federal Special Revenue)
Insert: "1,824,423/	1,717,486"	(Federal Special Revenue)
3. Page D-5, line 23.		
Strike: "2,332,670/	2,332,670"	(Federal Special Revenue)
Insert: "2,802,162/	2,763,298"	(Federal Special Revenue)

The purpose of this amendment is to appropriate federal grants available to the department of corrections and human services during the 1995 biennium. This authority was originally included in the legislative contract authority which was eliminated.

Amendment #3 passed as follows:

Ayes: Anderson, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Bohlinger, Brandewie, Brooke, Clark, Cobb, Daily, Davis, DeBruycker, Dowell, Driscoll, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCarthy, Menahan, Mills, Molnar, T. Nelson, Orr, Pavlovich, Peterson, Quilici, Ream, Rehbein, J. Rice, Rose, Ryan, Sayles, Schye, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Zook, Mr. Speaker.  
Total 80

Noes: Bachini, Bardanouve, Boharski, Brown, Cocchiarella, Dolezal, Elliott, Gervais, McCaffree, McCulloch, L. Nelson, Peck, Raney, Russell, Schwinden, Wyatt.  
Total 16

Excused: S. Rice, Simon, Tash, Wiseman.

Total 4

Absent or not voting: None.

Total 0

Representative J. Johnson moved HB 2, Section D, second reading copy, be further amended (amendment #4). Amendment #4 failed as follows: (45-55)

Representative Davis moved HB 2, Section D, second reading copy, be further amended (amendment #5). Amendment #5 failed as follows: (44-55)

Representative Bardanoue moved HB 2, Section D, second reading copy, be further amended (amendment #6). Amendment #6 failed as follows: (37-62)

Debate on Section D of HB 2 closed at this time.

Representative R. Johnson explained Section E of HB 2.

Representative Bird excused at this time.

Representative R. Johnson moved HB 2, Section E, second reading copy, be amended (amendment #1).

Representative R. Johnson withdrew his amendment #1.

Representative R. Johnson moved HB 2, Section E, second reading copy, be amended as follows (amendment #2):

1. Page E-4, line 18.

Strike: "All"

Insert: "Except for revenue transferred under the provisions of House Bill No. 677, if passed and approved,"

Explanation: This amendment corrects a possible conflict between the original language on line 18 and HB 677 should it become law. Line 18 originally appropriated all funds in the traffic safety account, HB 677 requires the transfer of \$1,600,000 from the traffic safety account to the general fund.

Amendment #2 passed as follows:

Ayes: Anderson, Bardanoue, Barnett, Benedict, Bergsagel, Boharski, Bohlinger, Brandewie, Brooke, Clark, Cobb, Davis, DeBruycker, Driscoll, Ellis, Fagg, Fisher, Foster, Gervais, Gilbert, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, Mills, Molnar, T. Nelson, Orr, Peck, Peterson, Ream, J. Rice, Rose, Russell, Ryan, Sayles, Schye, Simpkins, Smith, Spring, Squires, Stovall, Swanson, Toole, Tunby, Vogel, Wagner, Wallin, Whalen, Winslow, Zook, Mr. Speaker.

Total 64

Noes: Bachini, Barnhart, Bergman, Brown, Cocchiarella, Daily, Dolezal, Dowell, Elliott, Endy, Ewer, Galvin, Hansen, Harper, Harrington, McCaffree, McCarthy, McCulloch, Menahan, L. Nelson, Pavlovich, Quilici, Raney, Rehbein, S. Rice, Schwinden, Stanford, Strizich, Tuss, Wanzenried, Wyatt.  
Total 31

Voted Absentee: S. Rice, No.

Excused: Bird, Simon, Tash, Wiseman.  
Total 4

Absent or not voting: Feland.  
Total 1

Representative R. Johnson moved HB 2, Section E, second reading copy, be further amended as follows (amendment #3):

1. Page E-4, line 19.  
Following: "No."  
Strike: "667"  
Insert: "677"

This is a technical amendment. The bill referenced in the language pertaining to the Office of Public Instruction should be House Bill 677, not House Bill 667.

Amendment #3 passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Swanson, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wyatt, Zook, Mr. Speaker.  
Total 91

Noes: None.  
Total 0

Excused: Bird, S. Rice, Simon, Tash, Wiseman.  
Total 5

Absent or not voting: Boharski, Fisher, Hansen, Strizich.  
Total 4

Representative Harrington moved HB 2, Section E, second reading copy, be further amended (amendment #4). Amendment #4 failed as follows: (40-60)

Representative Ryan moved HB 2, Section E, second reading copy, be further amended (amendment #5). Amendment #5 failed as follows: (41-59)

Representative Dolezal moved HB 2, Section E, second reading copy, be further amended (amendment #6). Amendment #6 failed as follows: (45-55)

Representative Daily moved HB 2, Section E, second reading copy, be further amended (amendment #7). Amendment #7 failed as follows: (38-55)

Representative Simpkins moved HB 2, Section E, second reading copy, be further amended (amendment #8). Amendment #8 failed as follows: (8-89)

Representative Driscoll moved HB 2, Section E, second reading copy, be further amended as follows (amendment #9):

1. Page E-11.

Strike: lines 16 through 18 in their entirety

Amendment #9 passed as follows:

Ayes: Anderson, Barnett, Bergman, Bird, Boharski, Brandewie, Brown, Clark, Daily, Davis, Dolezal, Driscoll, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Grady, Grinde, H.S. Hanson, Harper, Harrington, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Larson, Mason, McCaffree, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Pavlovich, Quilici, Ream, Rehbein, Russell, Ryan, Schye, Simpkins, Smith, Squires, Stanford, Stovall, Strizich, Tuss, Vogel, Wagner, Winslow, Wyatt, Zook, Mr. Speaker.

Total 60

Noes: Bachini, Bardanouve, Barnhart, Benedict, Bergsagel, Bohlinger, Brooke, Cobb, Cocchiarella, DeBruycker, Dowell, Elliott, Ellis, Gilbert, Grimes, Hansen, M. Hanson, Hayne, Kasten, Knox, McCarthy, Orr, Peck, Peterson, Raney, J. Rice, Rose, Sayles, Spring, Swanson, Toole, Tunby, Wallin, Wanzenried.

Total 34

Voted Absentee: Bird, Aye.

Excused: S. Rice, Simon, Tash, Wiseman.

Total 4

Absent or not voting: Schwinden, Whalen.

Total 2

Representative Grinde moved HB 2, Section E, second reading copy, be further amended as follows (amendment #10):

1. Page E-14, following line 7.

Insert: "It is the intent of the legislature that the board of regents examine the northern Montana college campus extension in Great Falls to determine if the extension is necessary and, if not, to phase out that extension before the 2001 biennium. If the board of regents



determines that the northern Montana college extension in Great Falls is necessary, it is the intent of the legislature that curriculum and course offerings not duplicate offerings made at the college of Great Falls or the Great Falls vocational-technical center and that any duplication be eliminated before the 2001 biennium."

Amendment #10 passed as follows:

Ayes: Anderson, Barnett, Benedict, Bergman, Boharski, Bohlinger, Brandewie, Brown, Clark, Cobb, Cocchiarella, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Gilbert, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Harper, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Peterson, Raney, Ream, Rehbein, J. Rice, Rose, Sayles, Schye, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Swanson, Toole, Tunby, Vogel, Wagner, Wallin, Whalen, Winslow, Zook, Mr. Speaker.

Total 70

Noes: Bachini, Barnhart, Bergsagel, Brooke, Daily, Davis, DeBruycker, Dolezal, Galvin, Gervais, Hansen, Harrington, McCaffree, Pavlovich, Peck, Quilici, Russell, Ryan, Strizich, Tuss, Wanzenried, Wyatt.

Total 22

Excused: Bird, S. Rice, Simon, Tash, Wiseman.

Total 5

Absent or not voting: Bardanouve, Feland, Schwinden.

Total 3

Representative Ream moved HB 2, Section E, second reading copy, be further amended (amendment #11). Amendment #11 failed as follows: (45-53)

Representative Kadas moved HB 2, Section E, second reading copy, be further amended (amendment #12). Amendment #12 failed as follows: (46-48)

Representative Zook moved HB 2, Section E, second reading copy, be further amended as follows (amendment #13):

1. Page E-16, line 3.

Strike: "448,721                      450,935"

Insert: "490,531                      492,745"

Amendment #13 passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Boharski, Bohlinger, Brandewie, Brown, Clark, Cobb, DeBruycker, Dolezal, Elliott, Ellis, Endy, Fagg, Fisher, Foster, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Larson, Mason, McCarthy, Menahan, L. Nelson, T. Nelson, Orr, Peck, Quilici, J. Rice, Rose,

Sayles, Schye, Simpkins, Smith, Spring, Stovall, Swanson, Tunby, Vogel, Wagner, Wallin, Winslow, Zook, Mr. Speaker.

Total 61

Noes: Bergsagel, Brooke, Cocchiarella, Daily, Davis, Dowell, Driscoll, Ewer, Feland, Galvin, Gervais, Harrington, Hayne, Kasten, McCulloch, Mills, Molnar, Pavlovich, Peterson, Raney, Ream, Rehbein, Russell, Ryan, Squires, Stanford, Toole, Tuss, Wanzenried, Whalen, Wyatt.

Total 31

Excused: Bird, S. Rice, Simon, Tash, Wiseman.

Total 5

Absent or not voting: McCaffree, Schwinden, Strizich.

Total 3

Representative J. Rice excused at this time.

Representative Winslow moved HB 2, Section E, second reading copy, be further amended (amendment #14). Amendment #14 failed as follows: (36-49)

Representative Kadas moved HB 2, Section E, second reading copy, be further amended (amendment #15). Amendment #15 failed as follows: (20-77)

Representative R. Johnson moved HB 2, Section E, second reading copy, be further amended as follows (amendment #16):

1. Page E-8, following line 18.

Insert: "The university system units shall continue to operate and maintain the regents' employee reporting system (RERS) during the 1995 biennium. The office of the commissioner of higher education shall bring any proposals to replace the RERS system to the joint committee on postsecondary education policy and budget for review if Senate Bill No. 77 is passed and approved or to the legislative finance committee if it is not."

Amendment #16 passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gilbert, Grady, Grimes, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Rehbein, S. Rice, Rose, Ryan, Sayles, Schwinden, Schye, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Zook, Mr. Speaker.

Total 86

Noes: Cobb, Dowell, Feland, McCulloch, Ream, Russell, Wyatt.  
Total 7

Voted Absentee: S. Rice, Aye.

Excused: Bird, J. Rice, Simon, Tash, Wiseman.  
Total 5

Absent or not voting: Gervais, Grinde.  
Total 2

Debate on Section E of HB 2 closed at this time.

Representatives Brown and Fisher excused at this time.

Representative Raney moved to reopen debate on Section A of HB 2. Motion carried. (80-11)

Representative Raney moved HB 2, Section A, second reading copy, be further amended (amendment #22). Amendment #22 failed as follows: (36-62)

Mr. Speaker moved to reopen debate on Section A of HB 2. Motion carried. (68-22)

Mr. Speaker moved HB 2, Section A, second reading copy, be further amended as follows (amendment #23):

1. Page A-6, following line 7.

Insert: "9. Personal Services Administrative Reduction"

"20,500"                      General Fund Fiscal 1994

"20,500"                      General Fund Fiscal 1995

2. Page A-6, following line 21.

Insert: "The amounts shown for the personal services administrative reduction reduce this agency's total appropriation. The reduction is for the purpose of eliminating administrative positions and flattening the organizational structure."

3. Page A-7, following line 13.

Insert: "5. Personal Services Administrative Reduction"

"20,500"                      General Fund Fiscal 1994

"20,500"                      General Fund Fiscal 1995

4. Page A-7, following line 16.

Insert: "The amounts shown for the personal services administrative reduction reduce this agency's total appropriation. The reduction is for the purpose of eliminating administrative positions and flattening the organizational structure."

5. Page A-9, following line 5.

Insert: "7. Personal Services Administrative Reduction"

"20,500"                      General Fund Fiscal 1994

"20,500"                      General Fund Fiscal 1995

6. Page A-9, following line 13.

Insert: "The amounts shown for the personal services administrative reduction reduce this agency's total appropriation. The reduction is for the purpose of eliminating administrative positions and flattening the organizational structure."

7. Page A-13, following line 11.

Insert: "14. Personal Services Administrative Reduction"

"20,500"                      General Fund Fiscal 1994

"20,500"                      General Fund Fiscal 1995

8. Page A-14, following line 5.

Insert: "The amounts shown for the personal services administrative reduction reduce this agency's total appropriation. The reduction is for the purpose of eliminating administrative positions and flattening the organizational structure."

9. Page A-17, following line 7.

Insert: "12. Personal Services Administrative Reduction"

"41,724"                      State Special Fiscal 1994

"41,724"                      State Special Fiscal 1995

10. Page A-17, following line 22.

Insert: "The amounts shown for the personal services administrative reduction reduce this agency's total appropriation. The reduction is for the purpose of eliminating administrative positions and flattening the organizational structure."

11. Page A-18, following line 22.

Insert: "9. Personal Services Administrative Reduction"

"41,724"                      General Fund Fiscal 1994

"41,724"                      General Fund Fiscal 1995

12. Page A-19, following line 6.

Insert: "The amounts shown for the personal services administrative reduction reduce this agency's total appropriation. The reduction is for the purpose of eliminating administrative positions and flattening the organizational structure."

13. Page A-21, following line 23.

Insert: "12. Personal Services Administrative Reduction"

"41,724"                      General Fund Fiscal 1994

"41,724"                      General Fund Fiscal 1995

14. Page A-22, following line 23.

Insert: "The amounts shown for the personal services administrative reduction reduce this agency's total appropriation. The reduction is for the purpose of eliminating administrative positions and flattening the organizational structure."

15. Page A-26, following line 9.



Insert: "9. Personal Services Administrative Reduction"

"20,500"                      General Fund Fiscal 1994

"20,500"                      General Fund Fiscal 1995

16. Page A-26, following line 16.

Insert: "The amounts shown for the personal services administrative reduction reduce this agency's total appropriation. The reduction is for the purpose of eliminating administrative positions and flattening the organizational structure."

17. Page B-6, following line 3.

Insert: "12. Personal Services Administrative Reduction"

"41,724"                      General Fund Fiscal 1994

"41,724"                      General Fund Fiscal 1995

18. Page B-7, following line 12.

Insert: "The amounts shown for the personal services administrative reduction reduce this agency's total appropriation. The reduction is for the purpose of eliminating administrative positions and flattening the organizational structure."

19. Page B-9, following line 19.

Insert: "11. Personal Services Administrative Reduction"

"41,724"                      General Fund Fiscal 1994

"41,724"                      General Fund Fiscal 1995

20. Page B-10, following line 22.

Insert: "The amounts shown for the personal services administrative reduction reduce this agency's total appropriation. The reduction is for the purpose of eliminating administrative positions and flattening the organizational structure."

21. Page B-14, following line 3.

Insert: "15. Personal Services Administrative Reduction"

"41,724"                      General Fund Fiscal 1994

"41,724"                      General Fund Fiscal 1995

22. Page B-17, following line 12.

Insert: "The amounts shown for the personal services administrative reduction reduce this agency's total appropriation. The reduction is for the purpose of eliminating administrative positions and flattening the organizational structure."

23. Page B-18, following line 24.

Insert: "6. Personal Services Administrative Reduction"

"41,724"                      General Fund Fiscal 1994

"41,724"                      General Fund Fiscal 1995

24. Page B-20, following line 25.

Insert: "The amounts shown for the personal services administrative reduction reduce this agency's total appropriation. The reduction is for the purpose of eliminating administrative positions and flattening the organizational structure."

25. Page C-1, following line 18.

Insert: "3. Personal Services Administrative Reduction"  
"20,500"                      General Fund Fiscal 1994  
"20,500"                      General Fund Fiscal 1995

26. Page C-1, following line 24.

Insert: "The amounts shown for the personal services administrative reduction reduce this agency's total appropriation. The reduction is for the purpose of eliminating administrative positions and flattening the organizational structure."

27. Page C-5, following line 17.

Insert: "10. Personal Services Administrative Reduction"  
"41,724"                      General Fund Fiscal 1994  
"41,724"                      General Fund Fiscal 1995

28. Page C-7, following line 17.

Insert: "The amounts shown for the personal services administrative reduction reduce this agency's total appropriation. The reduction is for the purpose of eliminating administrative positions and flattening the organizational structure."

29. Page C-8, following line 21.

Insert: "6. Personal Services Administrative Reduction"  
"41,724"                      General Fund Fiscal 1994  
"41,724"                      General Fund Fiscal 1995

30. Page C-9, following line 9.

Insert: "The amounts shown for the personal services administrative reduction reduce this agency's total appropriation. The reduction is for the purpose of eliminating administrative positions and flattening the organizational structure."

31. Page C-10, following line 17.

Insert: "9. Personal Services Administrative Reduction"  
"41,724"                      State Special Fiscal 1994  
"41,724"                      State Special Fiscal 1995

32. Page C-11, following line 7.

Insert: "The amounts shown for the personal services administrative reduction reduce this agency's total appropriation. The reduction is for the purpose of eliminating administrative positions and flattening the organizational structure."

33. Page C-13, following line 6.

Insert: "8. Personal Services Administrative Reduction"  
"41,724"                      General Fund Fiscal 1994  
"41,724"                      General Fund Fiscal 1995

34. Page C-15, following line 3.

Insert: "The amounts shown for the personal services administrative : reduction reduce this agency's total appropriation. The reduction

is for the purpose of eliminating administrative positions and flattening the organizational structure."

35. Page C-16, following line 11.

Insert: "7. Personal Services Administrative Reduction"

"41,724"                      General Fund Fiscal 1994

"41,724"                      General Fund Fiscal 1995

36. Page C-17, following line 2.

Insert: "The amounts shown for the personal services administrative reduction reduce this agency's total appropriation. The reduction is for the purpose of eliminating administrative positions and flattening the organizational structure."

37. Page C-21, following line 11.

Insert: "21. Personal Services Administrative Reduction"

"41,724"                      General Fund Fiscal 1994

"41,724"                      General Fund Fiscal 1995

38. Page C-21, following line 22.

Insert: "The amounts shown for the personal services administrative reduction reduce this agency's total appropriation. The reduction is for the purpose of eliminating administrative positions and flattening the organizational structure."

39. Page D-6, following line 10.

Insert: "8. Personal Services Administrative Reduction"

"41,724"                      General Fund Fiscal 1994

"41,724"                      General Fund Fiscal 1995

40. Page D-7, following line 5.

Insert: "The amounts shown for the personal services administrative reduction reduce this agency's total appropriation. The reduction is for the purpose of eliminating administrative positions and flattening the organizational structure."

41. Page E-4, following line 2.

Insert: "4. Personal Services Administrative Reduction"

"20,500"                      General Fund Fiscal 1994

"20,500"                      General Fund Fiscal 1995

42. Page E-4, following line 20.

Insert: "The amounts shown for the personal services administrative reduction reduce this agency's total appropriation. The reduction is for the purpose of eliminating administrative positions and flattening the organizational structure."

43. Page E-8, following line 1.

Insert: "14. Personal Services Administrative Reduction"

"41,724"                      General Fund Fiscal 1994

"41,724"                      General Fund Fiscal 1995

44. Page E-8, following line 18.

Insert: "The amounts shown for the personal services administrative reduction reduce this agency's total appropriation. The reduction is for the purpose of eliminating administrative positions and flattening the organizational structure."

Amendment #23 passed as follows:

Ayes: Bachini, Bardanouve, Barnett, Benedict, Bergman, Boharski, Clark, Cobb, Daily, Dowell, Driscoll, Elliott, Ellis, Endy, Feland, Galvin, Gervais, Gilbert, Grinde, Hansen, Harrington, Hayne, Knox, Mills, Molnar, T. Nelson, Orr, Pavlovich, Peck, Raney, Rehbein, Rose, Russell, Ryan, Simon, Simpkins, Spring, Stanford, Stovall, Tash, Toole, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Mr. Speaker.  
Total 51

Noes: Anderson, Bergsagel, Bird, Bohlinger, Brandewie, Brooke, Brown, Cocchiarella, Davis, DeBruycker, Dolezal, Ewer, Fagg, Foster, Grady, Grimes, H.S. Hanson, M. Hanson, Harper, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Mason, McCaffree, McCarthy, McCulloch, Menahan, L. Nelson, Peterson, Quilici, Ream, J. Rice, S. Rice, Sayles, Schwinden, Schye, Smith, Squires, Strizich, Swanson, Tunby, Zook.  
Total 46

Voted Absentee: Simon, Tash, Wiseman, Ayes; Bird, Brown, J. Rice, S. Rice, Noes.

Excused: Fisher.  
Total 1

Absent or not voting: Barnhart, Larson.  
Total 2

Representative Whalen moved to reopen debate on Section A of HB 2.  
Motion failed. (41-45)

Representative Strizich moved to reopen debate on Section A of HB 2.  
Motion failed. (43-49)

Representative Peterson moved to reopen debate on Section A of HB 2.  
Motion carried. (50-39)

Representative Peterson moved HB 2, Section A, second reading copy, be further amended as follows (amendment #24):

1. Page A-19, following line 6.

Insert: "If House Bill No. 609 is passed and approved, the amounts in item 1 must be reduced by \$113,747 in federal revenue and by \$371,753 in proprietary funds in fiscal 1994 and by \$112,427 in federal revenue and by \$364,553 in proprietary funds in fiscal 1995. The amounts contained in item 3 of the department of justice must be increased in the same amount that the fund sources are decreased in item 1. Additionally, the amounts in item 8 must be reduced by \$4,344 federal revenue and \$14,199



proprietary funds in fiscal 1994 and by \$4,388 federal revenue and \$14,227 proprietary funds in fiscal 1995. The amounts contained in item 13 of the department of justice must be increased in the same amount that the fund sources are decreased in item 8."

This amendment provides coordinating language for the transfer of appropriation authority pursuant to a change of statutory responsibilities contained in House Bill 609.

Amendment #24 passed as follows:

Ayes: Anderson, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Boharski, Bohlinger, Brandewie, Clark, Cobb, DeBruycker, Dolezal, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Foster, Gervais, Gilbert, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Mason, McCarthy, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Peck, Peterson, Quilici, Raney, Rehbein, Rose, Russell, Ryan, Sayles, Simpkins, Smith, Spring, Squires, Stovall, Strizich, Swanson, Tunby, Vogel, Wagner, Wallin, Winslow, Zook, Mr. Speaker.

Total 68

Noes: Bachini, Bergsagel, Brooke, Cocchiarella, Daily, Davis, Dowell, Driscoll, Galvin, Harrington, Larson, McCaffree, McCulloch, Pavlovich, Ream, Schwinden, Schye, Stanford, Toole, Tuss, Wanzenried, Whalen, Wyatt.

Total 23

Excused: Bird, Brown, Fisher, J. Rice, S. Rice, Simon, Tash, Wiseman.

Total 8

Absent or not voting: Grady.

Total 1

Representative Cobb moved to reopen debate on Section B of HB 2. Motion carried. (62-27)

Representative Cobb moved HB 2, Section B, second reading copy, be further amended as follows (amendment #22):

1. Page B-14, following line 12.

Insert: "In order to expend funds from item 1, the department shall apply for waivers from federal regulations governing AFDC and implement approved waiver programs, beginning no later than July 1, 1994. The department shall apply for waivers to encourage employment by allowing working AFDC recipients to retain a greater portion of their income. The department shall work in cooperation with local welfare task forces in development of waiver applications and in implementation of approved waivers. The waivers may include but are not limited to:

(1) expansion of the earned income disregard above the current \$30 and 33% of additional earned income;

(2) exclusion of all earnings of children;

(3) elimination of the 100-hour rule for the AFDC-UP program;

(4) reduction, by increasing percentages, of the amount of AFDC benefits for those recipients who remain on AFDC after each 12 consecutive months unless good cause is established for remaining on assistance; and

(5) changing the definition of household income to include the income, minus child support, of all adults in the household where the AFDC recipient lives.

The department is encouraged to seek waivers that are cost-neutral. The department shall develop and use an appeals process for AFDC recipients if it implements waivers that result in cost savings by decreasing individual benefits.

No later than September 1993, the department shall submit to the legislative finance committee a detailed report of the progress towards implementation of the waivers developed by the department and local welfare task forces. The department may not implement a waiver program unless actual cost savings can be demonstrated. The department is authorized to expend up to 10% of projected savings for administrative costs that are mandated by federal regulations associated with implementation of the federal waivers."

Amendment #22 passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Boharski, Bohlinger, Brandewie, Brooke, Clark, Cobb, Cocchiarella, Davis, DeBruycker, Dolezal, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, L. Nelson, T. Nelson, Orr, Peck, Peterson, Quilici, Raney, Ream, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wyatt, Zook, Mr. Speaker.  
Total 88

Noes: Daily, Dowell, Pavlovich, Rehbein.  
Total 4

Voted Absentee: S. Rice, Aye.

Excused: Bird, Brown, Fisher, J. Rice, Simon, Tash, Wiseman.  
Total 7

Absent or not voting: Molnar.  
Total 1

Representative Cobb moved to reopen debate on Section B of HB 2. Motion carried. (75-15)

Representative Cobb moved HB 2, Section B, second reading copy, be further amended as follows (amendment #23):

1. Page B-14, line 25.

Following: line 24

Strike: "The"

Insert: "Beginning in fiscal 1995, the"

Explanation: The Food Stamp Outreach federal proposal for federal fiscal year 1994 must be submitted by May 1, 1993. Therefore, it will not be possible to competitively award the contract and write the application for federal funds by the due date for the first year of the biennium. This amendment allows the department to competitively award the contract for food stamps outreach beginning in FY95.

Amendment #23 passed as follows:

Ayes: Anderson, Bachini, Bardanoue, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Boharski, Bohlinger, Brandewie, Brooke, Clark, Cobb, Cocchiarella, Davis, DeBruycker, Dolezal, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Foster, Galvin, Gervais, Gilbert, Grimes, Grinde, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Peck, Peterson, Quilici, Raney, Ream, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simpkins, Smith, Squires, Stanford, Stovall, Strizich, Swanson, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Winslow, Wyatt, Zook, Mr. Speaker.

Total 85

Noes: Daily, Dowell, Hansen, Pavlovich, Spring.

Total 5

Voted Absentee: S. Rice, Aye.

Excused: Bird, Brown, Fisher, J. Rice, Simon, Tash, Wiseman.

Total 7

Absent or not voting: Grady, Rehbein, Whalen.

Total 3

Representative Cocchiarella moved to reopen debate on Section B of HB 2. Motion carried. (75-15)

Representative Cocchiarella moved HB 2, Section B, second reading copy, be further amended as follows (amendment #24):

1. Page B-16, following line 21.

Insert: "In order to receive reimbursement from the state medicaid program, participating nursing homes shall submit annual financial reports to the department beginning July 1, 1993. The financial reports must explicitly reveal the profit and loss status of the nursing home facility."

Amendment #24 passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Boharski, Bohlinger, Brandewie, Brooke, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Galvin, Gervais, Gilbert, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Toole, Tunby, Tuss, Vogel, Wagner, Wanzenried, Whalen, Winslow, Wyatt, Zook, Mr. Speaker.

Total 85

Noes: Bergman, Bergsagel, Foster, Hayne, Kasten, Rehbein, Wallin.

Total 7

Voted Absentee: S. Rice, Aye.

Excused: Bird, Brown, Fisher, J. Rice, Simon, Tash, Wiseman.

Total 7

Absent or not voting: Grady.

Total 1

Representative Cocchiarella moved to reopen debate on Section B of HB 2.  
Motion carried. (79-12)

Representative Cocchiarella moved HB 2, Section B, second reading copy, be further amended as follows (amendment #25):

1. Page B-16, following line 21.

Insert: "Contingent on passage and approval of House Bill No. 333, the department shall, in conjunction with the yearend cost settlement for medicaid nursing home providers, require documentation from those providers on the costs funded from proceeds of the utilization fee authorized in 15-60-102."

Amendment #25 passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Boharski, Bohlinger, Brandewie, Brooke, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Endy, Ewer, Fagg, Galvin, Gervais, Gilbert, Grinde, Hansen, H.S. Hanson, Harper, Harrington, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, L. Nelson, T. Nelson, Pavlovich, Peck, Raney, Ream, S. Rice, Russell, Ryan, Sayles, Schwinden, Schye, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Toole, Tunby, Tuss, Vogel, Wallin, Wanzenried, Whalen, Winslow, Wyatt, Zook, Mr. Speaker.

Total 73



Noes: Bergman, Bergsagel, DeBruycker, Ellis, Feland, Foster, Grady, Grimes, M. Hanson, Hayne, Kasten, Molnar, Orr, Peterson, Quilici, Rehbein, Rose, Simpkins, Smith, Wagner.

Total 20

Voted Absentee: S. Rice, Aye.

Excused: Bird, Brown, Fisher, J. Rice, Simon, Tash, Wiseman.

Total 7

Absent or not voting: None.

Total 0

Representative Strizich moved to reopen debate on Section A of HB 2.  
Motion carried. (89-5)

Representative Strizich moved HB 2, Section A, second reading copy, be further amended as follows (amendment #25):

1. Page A-18, line 10.

Strike: "4,180,878 4,126,281"

Insert: "4,188,878 4,134,281"

2. Page A-19, following line 5.

Insert: "It is the intent of the legislature that the department vigorously pursue collection of the dangerous drug tax pursuant to Title 15, chapter 25, part 1."

This amendment would restore to the Department of Revenue, Income Tax Division, \$8,000 general fund in fiscal 1994 and in fiscal 1995 for costs related to administration of the "Dangerous Drug Tax Act", and would add language that states legislative intent for collection of the tax.

Amendment #25 passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Ellis, Endy, Ewer, Fagg, Feland, Foster, Galvin, Gervais, Grimes, Hansen, H.S. Hanson, M. Hanson, Harrington, Hayne, Herron, J. Johnson, R. Johnson, Keller, Knox, Mason, McCaffree, McCarthy, McCulloch, Mills, Molnar, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Ream, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tunby, Vogel, Wagner, Wanzenried, Wyatt, Zook, Mr. Speaker.  
Total 72

Noes: Cobb, Dowell, Driscoll, Elliott, Fisher, Gilbert, Grinde, Harper, Hibbard, Kadas, Kasten, Larson, L. Nelson, Raney, Rehbein, Simpkins, Smith, Tuss, Wallin, Whalen, Winslow.

Total 21

Voted Absentee: Bird, Brown, S. Rice, Ayes; Fisher, No.

Excused: J. Rice, Simon, Tash, Wiseman.  
Total 4

Absent or not voting: Grady, Menahan, Toole.  
Total 3

Representative Grinde moved the committee rise. Motion carried.  
Committee arose. House resumed. Mr. Speaker in the Chair.

### REPORTS OF STANDING COMMITTEES

LABOR AND EMPLOYMENT RELATIONS (T. Nelson, Chairman): 3/19/93  
**HB 13**, introduced bill, be amended as follows:

1. Title, line 9.

Following: "~~COMMISSIONER~~;"

Insert: "PERMITTING THE GOVERNOR TO CONTRACT FOR PRIVATE  
SECTOR INVOLVEMENT TO LIQUIDATE THE UNFUNDED  
LIABILITY AND TO MANAGE CLAIMS OF THE OLD FUND AND TO  
MANAGE CLAIMS OF THE NEW FUND OF THE MONTANA STATE  
COMPENSATION MUTUAL INSURANCE FUND; CLARIFYING THE  
COMPENSABILITY OF MENTAL STRESS CLAIMS; PROVIDING  
THAT THE GOVERNOR SHALL APPOINT THE BOARD OF  
DIRECTORS OF THE STATE FUND; PROVIDING THAT THE  
MEMBERS OF THE BOARD OF DIRECTORS AND THE  
EXECUTIVE DIRECTOR OF THE STATE FUND SERVE AT THE  
PLEASURE OF THE GOVERNOR;"

2. Title, line 12.

Following: "ACT"

Insert: "FOR PURPOSES OTHER THAN RATEMAKING"

3. Title, line 14.

Following: "APPROPRIATION;"

Insert: "PROVIDING AN APPROPRIATION; REQUIRING THE INSURER TO  
NOTIFY CLAIMANTS OF BENEFITS AND ENTITLEMENTS USING  
INFORMATION PROVIDED BY THE DEPARTMENT;"

Strike: "2-4-102"

Insert: "2-15-1019"

4. Title, line 15.

Following: "~~18-8-103~~,"

Insert: "33-1-102, 39-71-105, 39-71-606, 39-71-721,"

Following: "39-71-2314,"

Insert: " 39-71-2315,"

Following: "39-71-2316,"

Insert: "39-71-2317,"

5. Title, line 16.

Following: "39-71-2323,"

Strike: "AND"

Insert: "39-71-2351,"

Following: "39-71-2352,"

Insert: "39-71-2354, AND 39-71-2503,"

6. Page 1, line 18.

Insert: "WHEREAS, the Legislature has determined that it is necessary to the public welfare to make workers' compensation insurance available to all employers through the State Fund as the insurer of last resort, and in making this insurance available, the State Fund has incurred an unfunded liability; and

WHEREAS, the unfunded liability has grown each year despite the fact that there have been numerous attempts to solve the problem by legislation and other methods, but those attempts have not resolved the problem; and

WHEREAS, the Legislature separated the payment structure and sources for claims for injuries resulting from accidents that occurred before July 1, 1990 (the "old fund"), from injuries occurring on or after July 1, 1990 (the "new fund"), and provided revenue options and spending limits; and

WHEREAS, this separation has not eliminated the unfunded liability, which is estimated to be in excess of \$400 million; and

WHEREAS, the Joint Select Committee on Workers' Compensation of the 52nd Legislature solicited from private insurance and reinsurance markets proposed solutions to liquidate the old fund unfunded liability; and

WHEREAS, insurance and reinsurance markets responded to the Committee's request for assistance to liquidate the old fund unfunded liability; and

WHEREAS, the Committee reviewed and concurred in a preliminary proposal of one of the insurance and reinsurance markets that the Committee believed provides significant benefits to Montana, including but not limited to:

- (1) risk transfer;
  - (2) profit sharing between the reinsurer and the state;
  - (3) investment of premiums in Montana financial institutions and investments;
  - (4) funding and finance options;
  - (5) security to Montana in the event of contract breach or insolvency of the reinsurer;
  - (6) industry best claims management and administration;
- and

- (7) development of clean industry private sector jobs; and

WHEREAS, there may be merit in the proposal, and it may be in the best interests of Montana to proceed with the negotiations with the reinsurer.

THEREFORE, the Legislature finds it appropriate to empower the Governor to fully investigate and negotiate a reinsurance solution."

7. Page 1, line 20 through page 5, line 6.

Strike: section 1 in its entirety

Renumber: subsequent sections

8. Page 6, following line 12.

Insert: "NEW SECTION. Section 1. Liquidation of old fund liability. (1) (a) The governor is authorized to negotiate the liquidation of the unfunded liability of the old fund of the state fund, as defined in 39-71-2312, if an agreement can be reached that is in the best interests of Montana. The scope of any negotiated agreement may include but may not exceed all of the rights, privileges, liabilities, and duties of the state fund with respect to all claims arising prior to July 1, 1990.

(b) The governor may not enter into an agreement that pays cash or assets in an aggregate amount that exceeds \$400 million to the other parties to the agreements.

(c) Any contract finalized by the governor must contain a provision that the contract is void unless necessary financing to fund the unfunded liability has been provided by the 1993 legislature.

(d) To be effective, a contract must be finalized by the governor within 120 days of [the effective date of this section].

(e) Any contract finalized by the governor may require reinsurance premium payments by the state to be used to liquidate the old fund liability.

(2) Any entity entering into an agreement with Montana under [section 2] or this section shall submit an annual report to the legislative audit committee. The first report is due 12 months after the agreement is finalized and thereafter may be submitted on a fiscal year basis.

(3) Any negotiations or agreements entered into pursuant to [section 2] and this section are not subject to the competitive bidding requirements of Title 18, chapter 4.

(4) A negotiation or an agreement entered into pursuant to [section 2] is not subject to the privatization plan requirements of Title 2, chapter 8, part 3.

NEW SECTION. Section 2. Claims settlement of new fund claims -- new fund management. As part of the negotiated liquidation of the unfunded liability of the old fund of the state fund, as defined in 39-71-2312, the governor may negotiate for claims settlement of the claims of persons whose benefits have not been determined under a claim based on an injury occurring on or after July 1, 1990, and for services with respect to the new fund of the state fund, including but not limited to claims management services, third-party administration, and medical cost containment agreements if the contracted services are in the best interests of the state. An agreement under this section is valid only if it is part of an agreement that meets the requirements of [section 1].

NEW SECTION. Section 3. Audit of contracted services and old fund liquidation. Any proposal involving the private sector in liquidation of the unfunded liability of the old fund of the state fund, as defined in 39-71-2312, or in claims settlement and management of the new fund of the state fund must provide for audit and reporting mechanisms in compliance with 39-71-2361.



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**NEW SECTION.** Section 4. Mutually agreeable lump-sum settlements. Beginning July 1, 1993, a workers' compensation claimant and the state fund or a reinsurer may, regardless of the lump-sum law in effect on the date of the injury, mutually agree to a lump-sum settlement of a claim. If a mutual agreement is not reached, the lump-sum law in effect on the date of the injury applies.

Section 5. Section 39-71-721, MCA, is amended to read:  
"39-71-721. Compensation for injury causing death -- limitation. Except as provided in [section 4]:

(1) (a) ~~If~~ if an injured employee dies and the injury was the proximate cause of ~~such~~ death, then the beneficiary of the deceased is entitled to the same compensation as though the death occurred immediately following the injury. A beneficiary's eligibility for benefits commences after the date of death, and the benefit level is established as set forth in subsection (2).

(b) ~~The~~ the insurer is entitled to recover any overpayments or compensation paid in a lump sum to a worker prior to death but not yet recouped. The insurer shall recover ~~such~~ the payments from the beneficiary's biweekly payments as provided in 39-71-741(5).

(2) ~~To~~ to beneficiaries as defined in 39-71-116(3)(a) through (3)(d), weekly compensation benefits for an injury causing death are 66 2/3% of the decedent's wages. The maximum weekly compensation benefit may not exceed the state's average weekly wage at the time of injury. The minimum weekly compensation benefit is 50% of the state's average weekly wage, but in no event may it exceed the decedent's actual wages at the time of ~~his~~ death.

(3) ~~To~~ to beneficiaries as defined in 39-71-116(3)(e) and (3)(f), weekly benefits must be paid to the extent of the dependency at the time of the injury, subject to a maximum of 66 2/3% of the decedent's wages. The maximum weekly compensation may not exceed the state's average weekly wage at the time of injury.

(4) ~~If~~ if the decedent leaves no beneficiary as defined in 39-71-116, a lump-sum payment of \$3,000 must be paid to the decedent's surviving parent or parents;

(5) ~~If~~ if any beneficiary of a deceased employee dies, the right of ~~such~~ the beneficiary to compensation under this chapter ceases. Death benefits must be paid to a surviving spouse for 500 weeks subsequent to the date of the deceased employee's death or until the spouse's remarriage, whichever occurs first. After benefit payments cease to a surviving spouse, death benefits must be paid to beneficiaries, if any, as defined in 39-71-116(3)(b) through (3)(d).

(6) ~~In~~ in all cases, benefits must be paid to beneficiaries, as defined in 39-71-116; and

(7) Benefits ~~benefits~~ paid under this section may not be adjusted for cost of living as provided in 39-71-702.

~~(8) Notwithstanding subsections (2) and (3), beginning July 1, 1987, through June 30, 1991, the maximum weekly compensation benefits for injury causing death may not exceed the state's average weekly wage of \$299 established July 1, 1986. Beginning July 1, 1987, through June 30, 1991, the minimum~~

~~weekly compensation for injury causing death shall be \$140.50, which is 50% of the state's average weekly wage established July 1, 1986, but in no event may it exceed the decedent's actual wages at the time of death."~~

Section 6. Section 39-71-2315, MCA, is amended to read:

"39-71-2315. Management of state fund -- powers and duties of the board. Except with respect to any agreement established pursuant to [sections 1 and 2] and except as provided in 2-15-1019 or 39-71-2317:

(1) ~~The~~ the management and control of the state fund is vested solely in the board; ~~and~~

(2) ~~The~~ the board is vested with full power, authority, and jurisdiction over the state fund. The board may perform all acts necessary or convenient in the exercise of any power, authority, or jurisdiction over the state fund, either in the administration of the state fund or in connection with the insurance business to be carried on under the provisions of this part, as fully and completely as the governing body of a private mutual insurance carrier, in order to fulfill the objectives and intent of this part. Bonds may not be issued by the board, the state fund, or the executive director."

Section 7. Section 39-71-2351, MCA, is amended to read:

"39-71-2351. Purpose of separation of state fund liability as of July 1, 1990, and of separate funding of claims before and on or after that date. (1) An unfunded liability exists in the state fund. It has existed since at least the mid-1980s and has grown each year. There have been numerous attempts to solve the problem by legislation and other methods. These attempts have alleviated the problem somewhat, but the problem has not been solved.

(2) The legislature has determined that it is necessary to the public welfare to make workers' compensation insurance available to all employers through the state fund as the insurer of last resort. In making this insurance available, the state fund has incurred the unfunded liability. The legislature has determined that the most cost-effective and efficient way to provide a source of funding for and to ensure payment of the unfunded liability and the best way to administer the unfunded liability is to:

(a) separate the liability of the state fund on the basis of whether a claim is for an injury resulting from an accident that occurred before July 1, 1990, or an accident that occurs on or after that date;

(b) extend the payroll tax imposed by 39-71-2503 and dedicate the tax money first to the repayment of bonds issued under 39-71-2354 and 39-71-2355 and then to the repayment of loans given under 39-71-2354 and 39-71-2355, to payment of premiums for a negotiated liquidation of the unfunded liability of the old fund of the state fund as provided in [section 1], and the direct payment of the costs of administering and paying claims for injuries from accidents that occurred before July 1, 1990.

(3) ~~The legislature further determines that in order to prevent the creation of a new unfunded liability with respect to claims for injuries for accidents that occur on or after July 1, 1990,~~

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~~certain duties of the state fund should be clarified and legislative oversight of the state fund should be increased."~~

Section 8. Section 39-71-2354, MCA, is amended to read:  
"39-71-2354. Use of payroll tax proceeds -- loans -- bonds.

(1) Taxes collected under 39-71-2503 may be used only to administer and pay claims for injuries resulting from accidents that occurred before July 1, 1990, including the cost of repaying bonds issued and loan proceeds given under 39-71-2355 and this section and any premium payments that may be required by an agreement made pursuant to [section 1]. If the state fund determines that, for the next 1 or more years following the date of the determination, the tax revenue, together with funds in the account required by 39-71-2321 for claims for injuries resulting from accidents that occurred before July 1, 1990, will be insufficient to administer and pay those claims, the state fund may, through its board of directors, request the budget director to certify to the board of investments that additional funding is necessary. If the budget director agrees with the state fund's board of directors that additional funding is necessary, the budget director shall certify to the board of investments the amount that the budget director determines is necessary to administer and pay claims for injuries resulting from accidents that occurred before July 1, 1990. Except as provided in subsection (2), the board of investments shall, at times and in amounts it considers necessary or advisable, finance the amount certified by the budget director by giving the state fund the proceeds of a loan or a bond issue to administer and pay claims for injuries resulting from accidents that occurred before July 1, 1990. ~~Loans must be from reserves accumulated from premiums paid to the state fund based upon wages payable on or after July 1, 1990. In the event that loans are necessary for an agreement established in accordance with [sections 1 and 2], the governor is authorized to pursue internal and external financing that is in the best interests of the state.~~ The board of investments shall choose the method of financing that is most cost-effective for the state fund. A loan must bear interest at the rate the money would earn in the pooled investment fund required by 17-6-203. The board of investments may also, upon request of the board of directors of the state fund, give the state fund the proceeds of a bond issue, to be used to pay off loans made under 39-71-2355 and this section. Bonds for the state fund must be workers' compensation bonds issued under 39-71-2355.

(2) The Except for any agreement established pursuant to [sections 1 and 2], the total amount of loan proceeds given to the state fund plus workers' compensation bonds issued under 39-71-2355, except bonds issued to repay loans as provided for in subsection (1), may not exceed \$220 million. All loan and bond proceeds given to the state fund must be repaid to the board of investments before July 1, 2020."

Section 9. Section 39-71-2503, MCA, is amended to read:

"39-71-2503. Workers' compensation payroll tax. (1) (a) There is imposed on each employer a workers' compensation



payroll tax in an amount equal to 0.28% of the employer's payroll in the preceding calendar quarter for all employments covered under 39-71-401, except that if an employer is subject to 15-30-204(2), the tax is an amount equal to 0.28% of the employer's payroll in the preceding week. This payroll tax must be used to reduce the unfunded liability in the state fund incurred for claims for injuries resulting from accidents that occurred before July 1, 1990, or for payment of those claims under [section 1]. If one or more loans or bonds are outstanding, the tax must be continued at the 0.28% rate and the legislature may not modify the tax rate, the use of the tax proceeds, or this section in a manner that reduces the security for repayment of the outstanding loans or bonds, except that the legislature may forgive payment of the tax or reduce the tax rate for any 12-month period if the workers' compensation bond repayment account contains on the first day of that period an amount, regardless of the source, that is in excess of the reserve maintained in the account and that is equal to the amount needed to pay and dedicated to the payment of the principal, premium, and interest that must be paid during that period on the outstanding loans or bonds. The legislature may not increase the tax rate except upon a two-thirds vote of each house.

(b) Each employer shall maintain the records the department requires concerning the employer's payroll. The records are subject to inspection by the department and its employees and agents during regular business hours.

(2) All collections of the tax are appropriated to and must be deposited as received in the tax account. The tax is in addition to any other tax or fee assessed against employers subject to the tax.

(3) (a) On or before the last day of April, July, October, and January, each employer subject to the tax shall file a return in the form and containing the information required by the department and, except as provided in subsection (3)(b), pay the amount of tax required by this section to be paid on the employer's payroll for the preceding calendar quarter.

(b) An employer subject to 15-30-204(2) shall remit to the department a weekly payment with its weekly withholding tax payment in the amount required by subsection (1)(a).

(c) A tax payment required by subsection (1)(a) must be made with the return filed pursuant to 15-30-204. The department shall first credit a payment to the liability under 15-30-202 and credit any remainder to the workers' compensation tax account provided in 39-71-2504.

(4) An employer's officer or employee with the duty to collect, account for, and pay to the department the amounts due under this section who willfully fails to pay an amount is liable to the state for the unpaid amount and any penalty and interest relating to that amount.

(5) Returns and remittances under subsection (3) and any information obtained by the department during an audit are subject to the provisions of 15-30-303, but the department may disclose the information to the department of labor and industry



under circumstances and conditions that ensure the continued confidentiality of the information.

(6) The department of labor and industry and the state fund shall, on July 1, 1991, or as soon after that date as possible, give the department a list of all employers having coverage under any plan administered or regulated by the department of labor and industry and the state fund. After the lists have been given to the department, the department of labor and industry and the state fund shall update the lists weekly. The department of labor and industry and the state fund shall provide the department with access to their computer data bases and paper files and records for the purpose of the department's administration of the tax imposed by this section.

(7) The provisions of Title 15, chapter 30, not in conflict with the provisions of this part regarding administration, remedies, enforcement, collections, hearings, interest, deficiency assessments, credits for overpayment, statute of limitations, penalties, and department rulemaking authority apply to the tax, to employers, and to the department."

Section 10. Section 33-1-102, MCA, is amended to read:  
"33-1-102. Compliance required -- exceptions -- health service corporations -- health maintenance organizations -- governmental insurance programs. (1) A person may not transact a business of insurance in Montana or relative to a subject resident, located, or to be performed in Montana without complying with the applicable provisions of this code.

(2) The provisions of this code do not apply with respect to:

(a) domestic farm mutual insurers as identified in chapter 4, except as stated in chapter 4;

(b) domestic benevolent associations as identified in chapter 6, except as stated in chapter 6; and

(c) fraternal benefit societies, except as stated in chapter 7.

(3) This code applies to health service corporations as prescribed in 33-30-102. The existence of the corporations is governed by Title 35, chapter 2, and related sections of the Montana Code Annotated.

(4) This code does not apply to health maintenance organizations to the extent that the existence and operations of those organizations are authorized by chapter 31.

(5) This code does not apply to workers' compensation insurance programs provided for in Title 39, chapter 71, parts 21 and 23, sections 1 and 2, and related sections.

(6) This code does not apply to the state employee group insurance program established in Title 2, chapter 18, part 8.

(7) This code does not apply to insurance funded through the state self-insurance reserve fund provided for in 2-9-202.

(8) (a) This code does not apply to any arrangement, plan, or interlocal agreement between political subdivisions of this state in which the political subdivisions undertake to separately or

jointly indemnify one another by way of a pooling, joint retention, deductible, or self-insurance plan.

(b) This code does not apply to any arrangement, plan, or interlocal agreement between political subdivisions of this state or any arrangement, plan, or program of a single political subdivision of this state in which the political subdivision provides to its officers, elected officials, or employees disability insurance or life insurance through a self-funded program."

Section 11. Section 39-71-105, "MCA, is amended to read:  
"39-71-105. Declaration of public policy. For the purposes of interpreting and applying Title 39, chapters 71 and 72, the following is the public policy of this state:

(1) It is an objective of the Montana workers' compensation system to provide, without regard to fault, wage supplement and medical benefits to a worker suffering from a work-related injury or disease. Wage-loss benefits are not intended to make an injured worker whole; they are intended to assist a worker at a reasonable cost to the employer. Within that limitation, the wage-loss benefit should bear a reasonable relationship to actual wages lost as a result of a work-related injury or disease.

(2) A worker's removal from the work force due to a work-related injury or disease has a negative impact on the worker, the worker's family, the employer, and the general public. Therefore, it is an objective of the workers' compensation system to return a worker to work as soon as possible after the worker has suffered a work-related injury or disease.

(3) Montana's workers' compensation and occupational disease insurance systems are intended to be primarily self-administering. Claimants should be able to speedily obtain benefits, and employers should be able to provide coverage at reasonably constant rates. To meet these objectives, the system must be designed to minimize reliance upon lawyers and the courts to obtain benefits and interpret liabilities.

(4) Title 39, chapters 71 and 72, must be construed according to their terms and not liberally in favor of any party.

(5) It is the intent of the legislature that stress claims, often referred to as "mental-mental claims" and "mental-physical claims", are not compensable under Montana's workers' compensation and occupational disease laws. The legislature recognizes that these claims are difficult to objectively verify and that the claims have a potential to place an economic burden on the workers' compensation and occupational disease system. The legislature also recognizes that there are other states that do not provide compensation for various categories of stress claims and that stress claims have presented economic problems for certain other jurisdictions. In addition, not all injuries are compensable under the present system, as is the case with repetitive injury claims, and it is within the legislature's authority to define the limits of the workers' compensation and occupational disease system."

Section 12. Section 2-15-1019, MCA, is amended to read:

"2-15-1019. Board of directors of the state compensation mutual insurance fund. (1) There is a board of directors of the state compensation mutual insurance fund.

(2) The board is allocated to the department for administrative purposes only as prescribed in 2-15-121. However, the board may employ its own staff.

(3) The board may provide for its own office space and the office space of the state fund.

(4) The board consists of five members appointed by the governor. The executive director of the state fund is an ex officio nonvoting member.

(5) At least three of the five members shall represent state fund policyholders and may be employees of state fund policyholders. At least three members of the board shall represent private, for-profit enterprises. A member of the board may not:

(a) represent or be an employee of an insurance company that is licensed to transact workers' compensation insurance under compensation plan No. 2; or

(b) be an employee of a self-insured employer under compensation plan No. 1.

(6) A member is appointed for a term of 4 years serves at the pleasure of the governor. The governor may remove a member at any time and appoint a new member to the office. The terms of board members must be staggered. A member of the board may serve no more than two 4-year terms. A member shall hold office until a successor is appointed and qualified.

(7) The members must be appointed and compensated in the same manner as members of a quasi-judicial board as provided in 2-15-124, except that the requirement that at least one member be an attorney does not apply and except that the members serve at the pleasure of the governor."

Section 13. Section 39-71-2317, MCA, is amended to read:

"39-71-2317. Appointment of executive director -- management staff. (1) The board governor shall, at the beginning of each gubernatorial term, appoint an executive director of the state fund who has general responsibility for the operations of the state fund.

(2) The executive director serves at the pleasure of the governor. The governor may remove the executive director at any time and appoint a new executive director to the office.

(3) The executive director must have executive level experience, with knowledge of the insurance industry. The executive director must receive compensation as set by the board and serve at the pleasure of the board. The executive director may hire the management staff of the state fund, each of whom serves at the pleasure of the executive director.""

Renumber: subsequent sections

9. Page 7, line 7.

Following: "(1)"

Insert: "(1)"



10. Page 7, line 19.

Following: ":-"

Insert: "(2) The state fund is subject to laws that generally apply to state agencies, including but not limited to Title 2, chapters 2, 3, 4 (only as provided in 39-71-2316), and 6, and Title 5, chapter 13. The state fund is not exempt from a law that applies to state agencies unless that law specifically exempts the state fund by name and clearly states that it is exempt from that law."

11. Page 8, line 4.

Following: "employer"

Insert: "to cover its administrative costs for coverage of a small employer"

12. Page 8, line 15.

Strike: "،"

Insert: ". Premium rates for classifications may only be adopted and changed using a process, a procedure, formulas, and factors set forth in rules adopted under Title 2, chapter 4, parts 2 through 4. After such rules have been adopted, the state fund need not follow the rulemaking provisions of Title 2, chapter 4, when changing classifications and premium rates. The contested case rights and provisions of Title 2, chapter 4, do not apply to an employer's classification or premium rate."

13. Page 10, lines 1 and 25.

Strike: "(8)"

14. Page 16, line 15.

Following: line 14

Insert: "NEW SECTION. Section 24. Appropriation. There is an appropriation of \$35,000 for each fiscal year of the biennium beginning July 1, 1993, to the legislative auditor's office for contracted services for the duties required to be performed pursuant to [section 20] to be paid by the state fund from the funds appropriated in [section 22].

Section 25. Section 39-71-606, MCA, is amended to read:  
"39-71-606. Insurer to accept or deny claim within thirty days of receipt -- notice of denial -- notice to employer. (1) Every insurer under any plan for the payment of workers' compensation benefits shall, within 30 days of receipt of a claim for compensation, either accept or deny the claim, and if denied shall inform the claimant and the department in writing of such denial.

(2) The department shall make available to insurers for distribution to claimants sufficient copies of a document describing current benefits and entitlements available under Title 39, chapter 71. Upon receipt of a claim, each insurer shall promptly notify the claimant in writing of potential benefits and entitlements available by providing the claimant a copy of the document prepared by the department.

(3) Upon the request of an employer it insures, an insurer shall notify the employer of all compensation benefits that are ongoing and are being charged against that employer's account.""



Renumber: subsequent sections

15. Page 17, following line 2.

Insert: "NEW SECTION. Section 28. Coordination with Occupational Disease Act of Montana. For purposes of [sections 1 through 4] and the administration of Title 39, chapter 72, a reference in [sections 1 through 4] to an injury resulting from an accident or to a claim for an injury resulting from an accident includes a disablement, as defined in 39-72-102(4).

NEW SECTION. Section 29. Saving clause. [This act] does not affect rights and duties that matured, penalties that were incurred, or proceedings that were begun before [the effective date of this act]."

Renumber: subsequent sections

16. Page 17, line 3.

Following: "instruction."

Insert: "(1) [Sections 1 through 3] are intended to be codified as an integral part of Title 39, chapter 71, and the provisions of Title 39, chapter 71, apply to [sections 1 through 3].

(2) [Section 4] is intended to be codified as an integral part of Title 39, chapter 71, part 23, and the provisions of Title 39, chapter 71, part 23, apply to [section 4].

(3)"

17. Page 17, lines 4 and 7.

Strike: "7"

Insert: "19"

Strike: "9"

Insert: "21"

18. Page 17, lines 9 through 13.

Strike: "[SECTION 9]" on line 9 through "1993." on line 13

Insert: "[Sections 1 through 3, 10 through 13, 21, and 26 through 30 and this section] are effective on passage and approval.

(2) [Sections 4 through 9] are effective on finalization of an agreement entered into by the governor and the reinsurer, as provided in [section 1].

(3) [Sections 14 through 20 and 22 through 25] are effective July 1, 1993.

(4) [Section 21] applies to the budget for fiscal year 1994."

And, as amended, do pass. Report adopted.

**HB 361**, second reading copy, be amended as follows:

1. Title, line 10.

Following: "CLAIMS;"

Insert: "REQUIRING THE INSURER TO NOTIFY CLAIMANTS OF BENEFITS AND ENTITLEMENTS USING INFORMATION PROVIDED BY THE DEPARTMENT;"

2. Page 37, line 14.

Following: "receipt"

Insert: "-- notice of benefits and entitlements to claimants"

3. Page 37, line 21.

Following: line 20

Insert: "(2) The department shall make available to insurers for distribution to claimants sufficient copies of a document describing current benefits and entitlements available under Title 39, chapter 71. Upon receipt of a claim, each insurer shall promptly notify the claimant in writing of potential benefits and entitlements available by providing the claimant a copy of the document prepared by the department."

Renumber: subsequent subsections

And, as amended, do pass. Report adopted.

**HB 453**, second reading copy, be amended as follows:

1. Page 1, line 23.

Following: "(2)"

Insert: "(a)"

2. Page 2.

Following: line 4

Insert: "(b) As used in subsection (2) (a), "person" includes but is not limited to an employee, employer, or medical service provider."

And, as amended, do pass. Report adopted.

**HB 504**, second reading copy, be amended as follows:

1. Page 5, line 18.

Following: "~~tax~~"

Strike: the remainder of line 18 through "of"

Insert: ", as provided in [section 5], on"

2. Page 10, line 1.

Following: the first "**FROM**"

Insert: "the reserves accumulated from premiums paid to the state fund, based upon wages payable on or after July 1, 1990, and invested by"

3. Page 11, line 11.

Following: "(III)"

Insert: "(A)"

4. Page 11, line 14.

Following: line 13

Insert: "(B) If the debt service account has sufficient funds to pay outstanding bonds or if no bonds are outstanding, the payroll tax may not be imposed after the end of fiscal year 2003."

And, as amended, do pass. Report adopted.

**HB 511**, second reading copy, do pass. Report adopted.

**HB 587**, second reading copy, do pass. Report adopted.

**HB 622**, second reading copy, be amended as follows:

1. Title, page 1, line 12.

Following: "INFIRMITY;"

Insert: "ALLOWING APPORTIONMENT OF COMPENSATION FOR  
PREEXISTING CONDITIONS BETWEEN INSURERS;"

2. Title, lines 15 and 16.

Strike: line 15 in its entirety through "DISPUTES;" on line 16

3. Title, page 2, line 4.

Following: "PLAN;"

Insert: "ALLOWING GROUP PURCHASE OF WORKERS' COMPENSATION  
INSURANCE; REQUIRING THE INSURER TO NOTIFY CLAIMANTS  
OF BENEFITS AND ENTITLEMENT USING INFORMATION  
PROVIDED BY THE DEPARTMENT;"

4. Title, page 2, line 7.

Following: "39-71-316,"

Insert: "39-71-407,"

5. Title, page 2, line 7.

Following: "39-71-605,"

Insert: "39-71-606,"

6. Title, page 2, line 8.

Strike: "AND"

Following: "39-72-303,"

Insert: "39-72-706, and 39-72-707,"

7. Page 2, line 11.

Insert: "STATEMENT OF INTENT

A statement of intent is required for this bill because [section 23] requires the department by rule to adopt forms, criteria, and procedures for the issuance of certificates of approval for groups eligible to purchase group insurance. The rules adopted by the department must:

(1) be consistent with the provisions of Title 39, chapter 71, and [this act]; and

(2) address who may be in a group, how a member may be removed from the group, the criteria for certification, the apportionment of dividends or discounts, the requirements for a plan of operation, and any reporting requirements that may be necessary."

8. Page 20, line 25 through page 21, line 5.

Strike: subsection (7) in its entirety

9. Page 24, line 13 through page 26, line 8.

Strike: section 8 in its entirety  
Renumber: subsequent sections

10. Page 44, line 25.

Strike: "(3)"

Insert: "(2)"

11. Page 45, lines 10 through 17.

Strike: subsection 2 in its entirety

Renumber: subsequent subsection

12. Page 48, line 17.

Following: line 16

Insert: "NEW SECTION. Section 22. Definitions. As used in [section 23], the following definitions apply:

(1) "Business entity" means a business enterprise owned by a single person, corporation, organization, business trust, trust, partnership, joint venture, association, or other business entity.

(2) "Group" means two or more business entities that join together with the approval of the department to purchase individual workers' compensation insurance policies covering each business entity that is part of a group.

NEW SECTION. Section 23. Group purchase of workers' compensation insurance. (1) On receiving approval of the department, two or more business entities may join together to form a group to purchase individual workers' compensation insurance policies covering each member of the group.

(2) To be eligible to join a group, the department shall determine that a business entity is engaged in a business pursuit that is the same as or similar to the business pursuits of the other entities participating in the group.

(3) The department shall establish a certification program for groups organized under this section and shall issue to eligible business entities certificates of approval that authorize formation and maintenance of a group.

(4) The department by rule shall adopt forms, criteria, and procedures for the issuance of certificates of approval to groups under this section.

(5) A group certified under this section may purchase individual workers' compensation insurance policies covering each member of the group from any insurer authorized to write workers' compensation insurance in this state. Under an individual policy, the group is entitled to a premium or volume discount that would be applicable to a policy of the combined premium amount of the individual policies.

(6) A group shall apportion any discount or policyholder dividend received on workers' compensation insurance coverage among the members of the group according to a formula adopted in the plan of operation for the group.

(7) A group shall adopt a plan of operation that must include the composition and selection of a governing board, the methods for administering the group, and guidelines for the



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workers' compensation insurance coverage obtained by the group, including the payment of premiums, the distribution of discounts, and the method for providing risk management. A group shall file a copy of its plan of operation with the department.

Section 24. Section 39-71-407, MCA, is amended to read:

"39-71-407. Liability of insurers -- limitations -- apportionment. (1) Every insurer is liable for the payment of compensation, in the manner and to the extent ~~hereinafter~~ provided in this section, to an employee of an employer it insures who receives an injury arising out of and in the course of ~~his~~ employment or, in the case of ~~his~~ death from ~~such~~ the injury, to ~~his~~ the employee's beneficiaries, if any.

(2) (a) An insurer is liable for an injury as defined in 39-71-119 if the claimant establishes it is more probable than not that:

(i) a claimed injury has occurred; or

(ii) a claimed injury aggravated a preexisting condition.

(b) Proof that it was medically possible that a claimed injury occurred or that ~~such~~ the claimed injury aggravated a preexisting condition is not sufficient to establish liability.

(3) An employee who suffers an injury or dies while traveling is not covered by this chapter unless:

(a) (i) the employer furnishes the transportation or the employee receives reimbursement from the employer for costs of travel, gas, oil, or lodging as a part of the employee's benefits or employment agreement; and

(ii) the travel is necessitated by and on behalf of the employer as an integral part or condition of the employment; or

(b) the travel is required by the employer as part of the employee's job duties.

(4) An employee is not eligible for benefits otherwise payable under this chapter if the employee's use of alcohol or drugs not prescribed by a physician is the sole and exclusive cause of the injury or death. However, if the employer had knowledge of and failed to attempt to stop the employee's use of alcohol or drugs, this subsection does not apply.

(5) If a claimant who has reached maximum healing suffers a subsequent nonwork-related injury to the same part of the body, the workers' compensation insurer is not liable for any compensation or medical benefits caused by the subsequent nonwork-related injury.

(6) If an injury, as defined in 39-71-119, occurs that involves an aggravation of a preexisting condition, the permanent total, permanent partial, and medical benefits payable under this chapter after a worker reaches maximum healing must be apportioned between the insurer or insurers who are liable for coverage for the preexisting condition and the insurers who are liable for coverage for the aggravation injury. The insurer for the injury is responsible only for the portion attributable to the aggravation injury.

(7) If a workers' compensation insurer had a compensable claim for the preexisting condition, the insurer remains liable for

the portion attributable to that insurer for permanent total, permanent partial, and medical benefits."

Section 25. Section 39-72-706, MCA, is amended to read:

"39-72-706. Aggravation -- apportionment. (1) If an occupational disease is aggravated by any other disease or infirmity not itself compensable or if disability or death from any other cause not itself compensable is aggravated, prolonged, accelerated, or in any way contributed to by an occupational disease, the compensation payable under this chapter must be ~~reduced and limited to such proportion only of the compensation that would be payable if the occupational disease were the sole cause of the disability or death as such occupational disease as a causative factor bears to all the causes of such disability or death~~ apportioned between the preexisting condition and the liability attributable to the occupational disease after the worker reaches maximum healing.

(2) If a workers' compensation insurer had a compensable claim for the preexisting condition, the insurer remains liable for the portion attributable to that insurer for benefits paid.

(2)(3) If compensation is reduced a proportionate amount apportioned as provided in subsection (1) and the worker receives disability social security benefits, the offset entitlement granted to the insurer must be reduced apportioned in the same proportionate amount as the compensation as long as the worker continues to receive disability social security benefits."

Section 26. Section 39-72-707, MCA, is amended to read:

"39-72-707. Silicosis with complications. In cases of disability or death from silicosis complicated with tuberculosis of the lungs, compensation ~~shall must~~ be payable as for disability or death from an uncomplicated silicosis. In case of disability or death from silicosis when complicated with any disease not compensable under this chapter and other than pulmonary tuberculosis, compensation ~~shall be reduced must be apportioned~~ as provided in 39-72-706."

Section 27. Section 39-71-606, MCA, is amended to read:

"39-71-606. Insurer to accept or deny claim within thirty days of receipt -- notice of denial -- notice to employer. (1) Every insurer under any plan for the payment of workers' compensation benefits shall, within 30 days of receipt of a claim for compensation, either accept or deny the claim, and if denied shall inform the claimant and the department in writing of such denial.

(2) The department shall make available to insurers for distribution to claimants sufficient copies of a document describing current benefits and entitlement available under Title 39, chapter 71. Upon receipt of a claim, each insurer shall promptly notify the claimant in writing of potential benefits and entitlement available by providing the claimant a copy of the document prepared by the department.

(3) Upon the request of an employer it insures, an insurer shall notify the employer of all compensation benefits that are ongoing and are being charged against that employer's account.""

Renumber: subsequent sections

13. Page 48, line 22.

Strike: "[SECTIONS 8 AND 9] ARE"

Insert: "[Section 8] is"

14. Page 48, line 25 through page 49, line 1.

Strike: "[SECTIONS 8 AND 9]"

Insert: "[section 8]"

15. Page 49, line 2.

Page 49, line 5.

Strike: "11"

Insert: "10"

16. Page 49, line 6.

Page 49, line 8.

Strike: "19 AND 20"

Insert: "18 and 19"

17. Page 49, line 9.

Following: line 8

Insert: "(4) [Sections 22 and 23] are intended to be codified as an integral part of Title 39, chapter 71, and the provisions of Title 39, chapter 71, apply to [sections 22 and 23]."

And, as amended, do pass. Report adopted.

**HB 628**, second reading copy, be amended as follows:

1. Title, line 6.

Strike: "MANAGED"

Following: "CARE"

Insert: "MANAGEMENT AND BUDGETING"

2. Title, line 8.

Strike: "MEDICAL"

3. Title, lines 9 through 13.

Strike: line 9 through "CATEGORIES;" on line 13

4. Title, line 13.

Strike: "SECTIONS"

Insert: "SECTION"

5. Title, line 14.

Strike: "33-22-111,"

Strike: "AND 39-71-2316,"

6. Page 1, lines 18 through 21.

Following: "1."

Strike: the remainder of line 18 through "Insurers" on line 21

Insert: "Care management and budgeting. (1) The state fund"

Following: "under" on line 21

Strike: through "and" on line 21

Insert: "plan No."

Strike: "are"

Insert: "is"

Renumber: subsequent subsection

7. Page 2, lines 2 and 3.

Following: "In"

Strike: the remainder of line 2 through the first "in" on line 3

8. Page 2, line 5.

Following: "is"

Insert: "more"

Following: "likely"

Insert: "than not"

9. Page 2, line 7.

Strike: "managed"

Following: "care"

Insert: "management and budgeting"

10. Page 2, line 10.

Following: "2."

Strike: "Managed care treatment"

Insert: "Care management"

11. Page 2, line 11.

Strike: "planning"

Strike: "managed"

12. Page 2, line 12.

Following: "care"

Insert: "management and budgeting"

13. Page 2, line 12.

Page 2, line 24.

Page 3, line 3.

Page 3, line 10.

Page 4, line 13.

Page 4, line 19.

Page 5, line 9.

Strike: "medical"

14. Page 2, line 14.

Page 4, line 17.

Strike: "Medical care"

Insert: "Care"

15. Page 2, line 15.



Strike: "managed care is"

Insert: "they are"

16. Page 2, line 16.

Strike: "to be used"

17. Page 3, line 15.

Strike: "Treatment"

Insert: "Care"

18. Page 4, line 16.

Following: "charges"

Insert: "as set forth in diagnostic research groups"

Following: "procedure."

Insert: "These charges may not exceed those currently contained in the medical fee schedule authorized in 39-71-704."

19. Page 5, line 11 through page 7, line 11.

Strike: section 5 in its entirety

Renumber: subsequent sections

20. Page 7, line 17.

Strike: "managed"

21. Page 7, line 18.

Following: "benefits"

Insert: "under care management and budgeting"

22. Page 7, line 21.

Strike: "Managed care"

Insert: "Care management and budgeting"

23. Page 7, line 23.

Strike: "managed"

Following: "care"

Insert: "management and budgeting"

24. Page 7, line 25 through page 10, line 9.

Strike: section 7 in its entirety

Renumber: subsequent sections

And, as amended, do pass. Report adopted.

**SB 163**, third reading copy, be concurred in. Report adopted.

**SB 164**, third reading copy, be concurred in. Report adopted.

**SB 347**, third reading copy, be amended as follows:

1. Page 22, line 3.

Following: "care."

Insert: "When a health care provider, a group of medical service providers, or an entity with a managed care organization is establishing a managed care organization and independent physical therapy practices exist in the community, the managed care organization

is encouraged to utilize independent physical therapists as part of the managed care organization if the independent physical therapists agree to abide by all the applicable requirements for a managed care organization set forth in this section, in rules established by the department, and in the provisions of a managed care plan for which certification is being sought."

And, as amended, be concurred in. Report adopted.

**SB 394**, third reading copy, be concurred in. Report adopted.

STATE ADMINISTRATION (Simpkins, Chairman):

3/19/93

**HB 430**, introduced bill, be amended as follows:

1. Title, lines 8 and 9.

Strike: "THE" on line 8 through "TAXES" on line 9

Insert: "EMPLOYEE CONTRIBUTIONS"

2. Title, line 10.

Strike: "19-9-702"

Insert: "19-9-601"

3. Page 1, line 14 through page 2, line 7.

Strike: Section 1 in its entirety

Insert: "Section 1. Section 19-9-601, MCA, is amended to read:

"19-9-601. Member contributions. (1) The normal contribution of each active member is 6% 7.36% of ~~his~~ the member's monthly compensation. In the case of a member first employed by an employer as a police officer after June 30, 1975, the contribution is 7.2% 8.56% of ~~his~~ the member's monthly compensation. In the case of a member first employed by an employer as a police officer after June 30, 1979, the contribution is 8.7% 10.06% of ~~his~~ the member's monthly compensation. Compensation excludes overtime payments, holiday payments, shift differential payments, compensation time payments, and payments in lieu of sick leave and annual leave, for ~~his~~ services as a police officer.

(2) Each employer, pursuant to section 414(h)(2) of the federal Internal Revenue Code of 1954, as amended and applicable on July 1, 1985, shall pick up and pay the contributions which would be payable by the member under subsection (1) for service rendered after June 30, 1985.

(3) The member's contributions picked up by the employer must be designated for all purposes of the retirement system as the member's contributions, except for the determination of a tax upon a distribution from the retirement system. These contributions must become part of the member's accumulated contributions but must be accounted for separately from those previously accumulated.

(4) The member's contributions picked up by the employer must be payable from the same source as is used to pay compensation to the member and must be included in the member's wages as defined in 19-1-102 and ~~his~~ in the member's

monthly compensation as defined in 19-9-104. The employer shall deduct from the member's compensation an amount equal to the amount of the member's contributions picked up by the employer and remit the total of the contributions to the board."

And, as amended, do pass. Report adopted.

**SB 100**, third reading copy, be amended as follows:

1. Title, lines 7 and 8.

Strike: "CHANGING" on line 7 through "OF" on line 8

Insert: "EXEMPTING MONTANA UNIVERSITY SYSTEM BUILDINGS AND CERTAIN OTHER BUILDINGS FROM THE REQUIREMENT TO DESIGNATE SMOKING AREAS; CLARIFYING WHICH BUILDINGS MUST HAVE"

2. Title, line 10.

Following: "SECTIONS"

Insert: "17-7-502, 50-40-202,"

3. Page 1.

Following: line 13

Insert: "NEW SECTION. Section 1. Special revenue account -- donations for smoking areas -- statutory appropriation. (1) There is an account in the state special revenue fund for the establishment of designated smoking areas pursuant to 50-40-204.

(2) The department of administration is authorized to accept donations to pay for the establishment of or improvements to designated smoking areas in state buildings and shall deposit any donations into the special revenue account established in subsection (1).

(3) The money in the special revenue account established in subsection (1) is statutorily appropriated, as provided in 17-7-502, to the department of administration to pay for the establishment of or improvements to designated smoking areas pursuant to 50-40-204.

Section 2. Section 17-7-502, MCA, is amended to read:

"17-7-502. Statutory appropriations -- definition -- requisites for validity. (1) A statutory appropriation is an appropriation made by permanent law that authorizes spending by a state agency without the need for a biennial legislative appropriation or budget amendment.

(2) Except as provided in subsection (4), to be effective, a statutory appropriation must comply with both of the following provisions:

(a) The law containing the statutory authority must be listed in subsection (3).

(b) The law or portion of the law making a statutory appropriation must specifically state that a statutory appropriation is made as provided in this section.

(3) The following laws are the only laws containing statutory appropriations: 2-9-202; 2-17-105; 2-18-812; 10-3-203;

10-3-312; 10-3-314; 10-4-301; 13-37-304; 15-1-111; 15-23-706; 15-25-123; 15-31-702; 15-36-112; 15-37-117; 15-65-121; 15-70-101; 16-1-404; 16-1-410; 16-1-411; 17-3-212; 17-5-404; 17-5-424; 17-5-704; 17-5-804; 17-6-409; 17-7-304; 19-5-404; 19-6-709; 19-8-504; 19-9-702; 19-9-1007; 19-10-205; 19-10-305; 19-10-506; 19-11-512; 19-11-513; 19-11-606; 19-12-301; 19-13-604; 19-15-101; 20-4-109; 20-6-406; 20-8-111; 20-9-361; 20-26-1503; 22-3-811; 23-5-136; 23-5-306; 23-5-409; 23-5-610; 23-5-612; 23-5-631; 23-7-301; 23-7-402; 27-12-206; 37-43-204; 37-51-501; 39-71-2504; 44-12-206; 44-13-102; [section 1]; 53-6-150; 53-24-206; 61-5-121; 67-3-205; 75-1-1101; 75-5-507; 75-5-1108; 75-11-313; 76-12-123; 77-1-808; 80-2-103; 80-11-310; 82-11-136; 82-11-161; 85-1-220; 90-3-301; 90-4-215; 90-6-331; 90-7-220; and 90-9-306.

(4) There is a statutory appropriation to pay the principal, interest, premiums, and costs of issuing, paying, and securing all bonds, notes, or other obligations, as due, that have been authorized and issued pursuant to the laws of Montana. Agencies that have entered into agreements authorized by the laws of Montana to pay the state treasurer, for deposit in accordance with 17-2-101 through 17-2-107, as determined by the state treasurer, an amount sufficient to pay the principal and interest as due on the bonds or notes have statutory appropriation authority for the payments. (In subsection (3): pursuant to sec. 7, Ch. 567, L. 1991, the inclusion of 19-6-709 terminates upon death of last recipient eligible for supplemental benefit; and pursuant to sec. 18, Ch. 748, L. 1991, the inclusion of 22-3-811 terminates June 30, 1993.)"

Renumber: subsequent sections

4. Page 2, lines 1 through 3.

Strike: "negative" on line 1 through "relation" on line 2

Insert: "adequate ventilation to minimize the circulation of smoke"

Strike: "1" on line 2 through "building," on line 3

5. Page 2.

Following: line 4

Insert: "Section 4. Section 50-40-202, MCA, is amended to read:

"50-40-202. Public policy. In recognition of the increased health hazards of passive smoke on the nonsmoker, it is the declared public policy of the state of Montana that all certain buildings maintained both owned and occupied by the state are to may be smoke-free. It is further the policy of the state that designated smoking areas be established in certain other state buildings pursuant to 50-40-204."

Renumber: subsequent sections

6. Page 2, line 7.

Strike: "maintained or"

Insert: "both owned and"

7. Page 2, line 12.

Following: "stairways"

Strike: ", "



8. Page 2, line 13.

Strike: "except" through "(4)"

9. Page 2, lines 17 and 18.

Following: "(2)" on line 17

Insert: "(a)"

Strike: "An" through "EMPLOYEES," on line 18

Insert: "Subject to subsection (1), in state-owned buildings, an agency head shall"

10. Page 2, lines 19 and 20.

Strike: "each" on line 19

Insert: "the"

Following: "building" on line 19

Strike: ", except" on line 19 through "(1)," on line 20

Insert: "occupied by the agency, provided that the building is"

11. Page 2, line 21.

Strike: "be used as"

Insert: "have"

12. Page 2.

Following: line 22

Insert: "(b) Buildings in the Montana university system, including the vocational-technical centers, and buildings housing items of artistic or historic value that may be damaged by smoke are exempt from the provisions of subsection (2)(a)."

13. Page 3, line 16.

Strike: "may"

Insert: "shall"

14. Page 3, lines 19 through 22.

Following: "receptacles." on line 19

Strike: subsection (1) in its entirety

Renumber: subsequent subsections

15. Page 4.

Following: line 6

Insert: "NEW SECTION. Section 7. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 50, chapter 40, part 2, and the provisions of Title 50, chapter 40, part 2, apply to [section 1]."

And, as amended, be concurred in. Report adopted.

**SB 222**, third reading copy, be amended as follows:

1. Title, lines 4 through 6.

Strike: "REPLACING" on line 4 through "WITH" on line 5

Insert: "DESIGNATING"

Strike: "LEGAL" on line 5 through "AND" on line 6

2. Title, line 7.

Strike: "SECTIONS 1-1-216 and"

Insert: "SECTION"

3. Page 1.

Following: line 18

Insert: "WHEREAS, by proclamation or legislative enactment, several other states have designated a day to commemorate American Indian heritage; and"

4. Page 1, lines 19 through 21.

Strike: "modern" on line 19 through "America" on line 21

Insert: "in 1975, a joint resolution of the Senate and the House of Representatives of the State of Montana encouraged the Governor to designate the fourth Friday in September as "Native American Heritage Day" in Montana

5. Page 1, line 24.

Strike: "changing Columbus Day to"

Insert: "designating the fourth Friday in September as"

6. Page 1, line 25.

Following: "Day"

Insert: "to be commemorated in Montana's public schools"

7. Page 2, lines 3 through 23.

Strike: Section 1 in its entirety

Renumber: subsequent section

8. Page 3.

Following: line 6

Insert: "(e) American Indian Heritage Day (fourth Friday in September);"

Renumber: subsequent subsections

9. Page 3, line 8.

Strike: "American Indian Heritage"

Insert: "Columbus"

And, as amended, be concurred in. Report adopted.

**SB 318**, third reading copy, be amended as follows:

1. Title, line 8.

Strike: "PROVIDING FOR QUALIFICATIONS FOR ELECTION JUDGES;"

2. Title, line 15.

Strike: "13-4-107,"

3. Page 1, line 22 through page 2, line 5.

Strike: "13-4-107" on page 1, line 22 through "because" on page 2, line 5

4. Page 9, line 11.

Following: "øn"

Insert: ", except as provided in 13-2-212, either verify or affirm the mail registration form before a notary public or other officer empowered to administer oaths or complete and sign the form and obtain the signature, address, and voting precinct of at least one registered voter in the county who shall witness the facts stated on the form and shall"

5. Page 9, line 16.

Following: "signed"

Insert: "by the witness or officer before whom signed"

6. Page 9, line 20 through page 10, line 8.

Strike: Section 4 in its entirety

Renumber: subsequent sections

And, as amended, be concurred in. Report adopted.

TAXATION (Gilbert, Chairman):

3/20/93

**HB 17**, second reading copy, be amended as follows:

1. Title, line 8.

Following: "FUND;"

Insert: "CHANGING THE LICENSE EXPIRATION DATE TO APRIL 1 FROM  
DECEMBER 31;"

2. Page 3, line 4.

Strike: "December 31"

Insert: "April 1"

3. Page 3, line 6.

Strike: "March"

Insert: "June"

4. Page 3, lines 15 and 16.

Page 3, line 20.

Strike: "December 31 of that year"

Insert: "April 1"

And, as amended, do pass. Report adopted.

**HB 70**, second reading copy, be amended as follows:

3/19/93

1. Page 3, line 4.

Following: "fees"

Insert: "commensurate with budget authority approved by the legislature"

And, as amended, do pass. Report adopted.

**HB 388**, introduced bill, be amended as follows:

1. Title, line 12.

Following: ";"

Insert: "AMENDING SECTION 69-7-111, MCA;"

2. Page 4.

Following: line 3

Insert: "The board shall consider the following fee structures as prima facie indicators of appropriate fee assessments, except that the fees should be increased every 3 years after October 1, 1993, by the percentage, if any, by which the producer price index, published by the United States bureau of labor statistics for the most recent calendar year, exceeds the producer price index for calendar year 1993.

	<u>Application fee</u>	<u>Annual fee</u>
Publicly owned treatment works	\$250 -- \$1,000	\$250 -- \$2,500
Industrial storm and ground water systems	\$1,000	\$1,000 -- \$2,500
Industrial cooling water systems	\$500	\$200 -- \$500
Industrial systems with toxic substances	\$2,500 -- \$5,000	\$2,500
General permits	\$200 -- \$500	\$250 -- \$2,500

Nondegradation review:

- (1) Domestic sewage treatment \$2,500
- (2) Industrial \$2,500 -- \$5,000
- (3) Subdivision \$120 -- \$200 per lot

The annual fee is to be assessed for each million gallons of waste discharged per day on a yearly average and is specific to each discharge at a facility. The lower values are minimum fees, regardless of the amount of waste discharged. For either the application fee or annual fee for storm water discharges, a facility may not be charged for more than the five storm water discharge points that yield the highest fees.

The legislature also intends that a facility that consistently discharges effluent at less than or equal to one-half of its permit limit concentration, using the previous year's discharge data, is entitled to a 25% fee reduction in its annual fee. Further, any facility that consistently discharges effluent at levels between 50% and 100% of its permit limit concentration is entitled to a proportionate fee reduction of up to 25%. For a permit with multiple parameter limits, the annual average of the percentage of use of each parameter limit should be used to determine an overall percentage. A new permittee is not eligible for fee reduction in its first year of operation, and dilution is not intended as a means to justify lower annual fees."

3. Page 5, line 11.

Following: ","

Insert: "and"



4. Page 5, lines 12 through 21.

Strike: subsections (f) through (i) in their entirety

Renumber: subsequent subsection

5. Page 6, line 3.

Strike: "is sufficient to cover"

Insert: "recovers to the extent permitted by this subsection (2)"

6. Page 6, line 4.

Strike: "; and"

Insert: ". This fee may not be less than \$250 or more than \$5,000 per discharge point for an application addressed under subsection (1), except that an application with multiple storm water discharge points may be assessed a lower fee for those points according to board rule."

7. Page 6, lines 6 through 8.

Strike: "potential" on line 6 through "the" on line 8

8. Page 6, lines 9 through 12.

Strike: "or" on line 9 through "chapter" on line 12

9. Page 6, line 12.

Following: "fee"

Insert: "may not be less than \$250 and may not be more than \$3,000 per million gallons discharged per day on an annual average for any activity under permit or authorization, as described in subsection (1), except that a permit or authorization with multiple storm water discharge points may be assessed a lower fee for those points according to board rule. To the extent permitted under this limitation, the annual fee"

10. Page 6, line 24.

Following: "quality"

Insert: "discharge permit"

11. Page 7, line 2.

Strike: "in a timely manner"

Insert: "within 90 days after the date established by rule for fee payment"

12. Page 7, line 4.

Strike: "50%"

Insert: "20%"

13. Page 7, line 12.

Strike: "state"

Following: "fund"

Insert: "type"

14. Page 8.

Following: line 9

Insert: "(10) A municipality may raise rates to cover costs associated with the fees prescribed in this section for a public sewer system without the hearing required in 69-7-111."

15. Page 8, line 11.

Strike: "There"

Insert: "All fees collected under [section 1]"

16. Page 8, lines 12 through 15.

Strike: ":" on line 12 through "1]" on line 15

17. Page 8.

Following: line 18

Insert: "Section 3. Section 69-7-111, MCA, is amended to read:

"69-7-111. Municipal rate hearing required -- notice. (1) Except as provided in [section 1] and 75-6-108, if the governing body of a municipality considers it advisable to regulate, establish, or change rates, charges, or classifications imposed on its customers, it shall order a hearing to be held before it at a time and place specified.

(2) Notice of the hearing shall be published in a newspaper as provided in 7-1-4127.

(3) (a) The notice shall be published three times with at least 6 days separating each publication. The first publication may be no more than 28 days prior to the hearing, and the last publication may be no less than 3 days prior to the hearing.

(b) The notice must also be mailed at least 7 days and not more than 30 days prior to the hearing to persons served by the utility. The notice must be mailed within the prescribed time period. This notice must contain an estimate of the amount the customer's average bill will increase.

(4) The published notice must contain:

(a) the date, time, and place of the hearing;

(b) a brief statement of the proposed action; and

(c) the address and telephone number of a person who may be contacted for further information regarding the hearing.

(5) Notice of all hearings shall be mailed first class, postage prepaid, to the Montana consumer counsel.""

Renumber: subsequent sections

And, as amended, do pass. Report adopted.

**HB 591**, introduced bill, be amended as follows:

1. Title, line 5.

Strike: "7"

Insert: "5"

2. Title, line 6.

Strike: "DISTRIBUTED"

Insert: "DEPOSITED IN THE GENERAL FUND; DIVERTING A PORTION OF THE PROCEEDS FROM THE LODGING FACILITY USE TAX"

3. Title, line 7.

Strike: "ON BOTH A PER CAPITA BASIS AND"

4. Page 1, line 18.

Strike: "7%"

Insert: "5%"

5. Page 2, line 16.

Strike: "7%"

Insert: "5%"

6. Page 3, line 6.

Strike: "0.57%"

Insert: "0.8%"

7. Page 3, line 9.

Strike: "1.43%"

Insert: "2%"

8. Page 3, line 13.

Strike: "41.4%"

Insert: "64% to the credit of the department of commerce for distribution as follows:

(A) 75%"

9. Page 3, line 17.

Strike: "(iv)(A)"

Insert: "(B)"

10. Page 3, line 18.

Strike: "(2)(c)(iv)(B)"

Insert: "(2)(c)(iii)(C)"

Strike: "13.8%"

Insert: "25%"

11. Page 3, line 22.

Strike: "(B)"

Insert: "(C)"

Strike: "13.8%"

Insert: "25%"

12. Page 4, line 4.

Strike: "and"

13. Page 4, line 5.

Strike: "(v)"

Insert: "(iv)"

Strike: "42.8%"

Insert: "12.7%"

14. Page 4, lines 6 through 15.

Following: "towns" on line 6

Strike: remainder of line 6 through "revenue" on line 15

15. Page 4, line 23.

Following: line 22

Insert: "(v) 20.5% to the state general fund."

16. Page 4, line 24.

Page 5, line 21.

Strike: "(2)(c)(iv)"

Insert: "(2)(c)(iii)(C)"

And, as amended, do pass. Report adopted.

**HB 639**, introduced bill, be amended as follows:

1. Title, line 5.

Strike: "LEGISLATURE TO LEVY A STATEWIDE PROPERTY TAX"

Insert: "DEPARTMENT OF COMMERCE TO ESTABLISH A PROGRAM"

2. Title, line 6.

Following: second "FUNDS"

Insert: "CONTINGENT UPON THE AVAILABILITY OF STATE MATCHING MONEY"

3. Title, line 8.

Strike: "AMENDING SECTION 15-10-412, MCA;"

4. Page 1, line 12.

Strike: "Tax levy"

Insert: "State matching funds program"

5. Page 1, line 14.

Strike: "from levy"

6. Page 1, line 23 through page 2, line 5.

Strike: "legislature" on page 1, line 23, through "disbursed" on line 5, page 2.

Insert: "department shall create a program to provide state funds to match local economic development funds and to fund the certified communities program. The provision of state matching funds is contingent upon specific appropriations to the department for that purpose. The department shall distribute the funds"

7. Page 2, line 16.

Strike: "\$1.50"

8. Page 3, line 17 through page 10, line 11.

Strike: section 2 in its entirety

Renumber: subsequent section

9. Page 10, lines 12 and 13.

Strike: " -- distribution of proceeds. (1)"

Insert: "."

10. Page 10, lines 15 and 16.



Strike: subsection (2) in its entirety

And, as amended, do pass. Report adopted.

**HB 651**, introduced bill, be amended as follows:

1. Title, line 15.

Following: "CLASS;"

Insert: "REVISING TRANSIT FEES;"

2. Title, line 19.

Following: "61-3-521,"

Insert: "61-4-301, 61-4-302,"

3. Page 7, line 22.

Following: "more."

Insert: "For purposes of this subsection (v), the terms "trailer" and "semitrailer" mean a vehicle with or without motive power that is:

(i) designed and used only for carrying property;

(ii) designed and used to be drawn by a motor vehicle; and

(iii) either constructed so that no part of its weight rests upon the towing vehicle or constructed so that some part of its weight and the weight of its load rests upon or is carried by another vehicle."

4. Page 33.

Following: line 3

Insert: "Section 15. Section 61-4-301, MCA, is amended to read:

"61-4-301. Permit and transit plates for new vehicles being transported by driveaway or towaway methods -- used mobile homes. (1)(a) A person, firm, partnership, or corporation, regularly and lawfully engaged in the transportation of new vehicles over the highways of this state from manufacturing or assembly points to agents of manufacturers and dealers in this state or in other states, territories, or foreign countries or provinces by the driveaway or towaway methods, where the vehicles being driven, towed, or transported by the saddle-mount, towbar or full-mount methods, or a lawful combination of these methods, will be transported over the highways of the state but once, may annually apply to the department of justice for a permit to use the highways of this state and shall pay, upon filing the application, a fee of \$100. Upon processing of the application, that department shall issue an annual permit to the applicant.

(b) A person moving used mobile homes from a point outside the state to a point inside the state may apply to the department for the permit authorized pursuant to subsection (1)(a).

(2) The permitholder may also apply to the department of justice for a sufficient number of distinctive transit plates or devices showing the permit number for identification of the vehicles being transported by the permitholder, and the plates or devices may be used on a vehicle being driven, towed, or transported by and under the control of the permitholder. That department shall

collect the additional sum of \$1 for each pair of transit plates or devices applied for and issued.

(3) The department of justice shall retain the permit and plate fees to defray costs of administering 61-4-301 through 61-4-308.

(4) The permit and transit plates or devices expire on December 31 of each year."

Section 16. Section 61-4-302, MCA, is amended to read:  
"61-4-302. One-trip fee in addition to permit and plate fees payable quarterly -- exception. (1) In addition to the permit and plate fees, a permit holder shall pay to the department of justice a one-trip fee of \$5 per driven vehicle. The fee shall be paid within 15 days after the end of the calendar quarter upon forms recommended or supplied by that department.

(2) A person moving new or used mobile homes is not subject to the one-trip fee required by subsection (1)."

Renumber: subsequent sections

And, as amended, do pass. Report adopted.

**HB 671**, introduced bill, be amended as follows:

3/19/93

1. Title, line 21.

Strike: the first "AND"

Following: "15-30-160,"

Insert: "AND 15-30-199,"

2. Page 3, line 20.

Strike: "1994"

Insert: "1993"

3. Page 6, line 12.

Following: "15-30-103."

Insert: "(Temporary for tax years 1993 and 1994)"

Strike: "-- adjustment"

Strike: "(1)"

4. Page 6, line 13.

Strike: "Subject to subsection (2), there"

Insert: "There"

5. Page 6, line 14.

Strike: "on or"

6. Page 6, line 18.

Strike: "7.5%"

Insert: "7.3%"

7. Page 7, line 16.

Strike: "(2)"

8. Page 7, line 22 through page 8, line 2.

Strike: subsection (2) in its entirety

9. Page 8.

Following: line 2

Insert: "Section 3. Section 15-30-103, MCA, is amended to read:

"15-30-103. Rate of tax -- adjustment. (1) There shall be Subject to subsection (2), there is levied, collected, and paid for each taxable year commencing on or after December 31, 1968 1994, upon the taxable income of every taxpayer individual subject to this tax, after making allowance for exemptions and deductions as hereinafter provided, a tax at the rate of 7.4% of the individual's taxable income on the following brackets of taxable income as adjusted under subsection (2) at the following rates:

(a) on the first \$1,000 of taxable income or any part thereof, 2%;

(b) on the next \$1,000 of taxable income or any part thereof, 3%;

(c) on the next \$2,000 of taxable income or any part thereof, 4%;

(d) on the next \$2,000 of taxable income or any part thereof, 5%;

(e) on the next \$2,000 of taxable income or any part thereof, 6%;

(f) on the next \$2,000 of taxable income or any part thereof, 7%;

(g) on the next \$4,000 of taxable income or any part thereof, 8%;

(h) on the next \$6,000 of taxable income or any part thereof, 9%;

(i) on the next \$15,000 of taxable income or any part thereof, 10%;

(j) on any taxable income in excess of \$35,000 or any part thereof, 11%.

(2) By November 1 of each year, the department shall multiply the bracket amount contained in subsection (1) by the inflation factor for that taxable year and round the cumulative brackets to the nearest \$100. The resulting adjusted brackets are effective for that taxable year and shall be used as the basis for imposition of the tax in subsection (1) of this section (a) The department shall, pursuant to subsection (2)(b), adjust the tax rate provided in subsection (1) to reflect changes in federal adjusted gross income. The adjustment must maintain a rate that produces revenue that does not exceed 7.4% of taxable income based upon the definition of federal adjusted gross income as provided in 26 U.S.C. 62 on January 1, 1993. Prior to adopting a change in rate, the department shall present the proposed change to the revenue oversight committee for review by the committee.

(b) (i) For purposes of subsection (2)(a), for tax year 1994 and each tax year thereafter, the department shall in the succeeding year determine the change in the amount of revenue collected resulting from changes made by the United States congress to federal adjusted gross income, as defined by the Internal Revenue Code, effective for that year.

(ii) Based on the determination in subsection (2)(b)(i), the tax rate for the tax year following the determination must be adjusted in increments of 0.1%.

(iii) A change in the rate may not be made unless the amount of change exceeds \$4.5 million."

Renumber: subsequent sections

10. Page 8, lines 9 through 14.

Strike: "After" on line 9 through "Montana." on line 14

11. Page 17, line 6.

Following: "(6)"

Insert: "(a) The exemptions provided for in this section are reduced by 10% for every \$5,000 of federal adjusted gross income in excess of \$150,000.

(b)"

12. Page 17, line 7.

Strike: "1992"

Insert: "1993"

13. Page 19, line 4.

Strike: "(2)(d)"

Insert: "(2)(e)"

14. Page 19, line 5.

Following: line 4

Insert: "40% of Montana adjusted gross income, but not less than \$2,000 or more than"

15. Page 19, line 8.

Following: "is"

Insert: "40% of Montana adjusted gross income, but not less than \$4,000 or more than"

16. Page 19, line 12.

Following: line 11

Insert: "40% of Montana adjusted gross income, but not less than \$3,000 or more than"

17. Page 19, line 17.

Following: "is"

Insert: "40% of Montana adjusted gross income, but not less than \$2,000 or more than"

18. Page 19.

Following: line 17

Insert: "(e) The standard deductions provided for in this subsection (2) are reduced by 10% for every \$5,000 of federal adjusted gross income in excess of \$150,000."

19. Page 19, line 25.

Strike: "1994"

Insert: "1993"



20. Page 21, line 2.

Following: "rate of"

Strike: "\$1"

Insert: "1%"

21. Page 21, line 3.

Strike: "\$2"

Insert: "\$20,000"

22. Page 29, line 1.

Following: "(Temporary"

Insert: "for tax year 1993"

23. Page 29, line 5.

Strike: "6 3/4%"

Insert: "7.08%"

24. Page 29, line 7.

Strike: "7 1/4%"

Insert: "7.57%"

25. Page 29, line 15.

Following: "is"

Insert: ":

(a)"

Strike: "7% of all"

Insert: "7.33% of the first \$500,000 of"

Following: "period"

Insert: "; and

(b) 7.82% of all net income in excess of \$500,000 for the  
taxable period"

26. Page 29, line 18.

Strike: "\$50"

Insert: "\$100"

27. Page 29, line 19 through page 30, line 1.

Strike: subsections (4) and (5) in their entirety

28. Page 30, line 2.

Strike: "on receipt of taxes"

29. Page 30, line 3.

Strike: "1993"

Insert: "1994 and thereafter"

30. Page 30, line 16.

Following: "is"

Insert: ":

(a)"

Strike: "all"

Insert: "the first \$500,000 of"

Following: "period"

Insert: "; and

(b) 7.5% of all net income in excess of \$500,000 for the taxable period"

31. Page 30, lines 20 through 24.  
Strike: subsection (4) in its entirety

32. Page 36, lines 8 and 10.  
Strike: "8"  
Insert: "9"

33. Page 37, line 1.  
Strike: "and"  
Following: "15-30-160,"  
Insert: "and 15-30-199,"

34. Page 37, line 4.  
Following: "applicability."  
Insert: "(1)"  
Strike: "[This]"  
Insert: "Except as provided in subsection (2), [this]"

35. Page 37.  
Following: line 6  
Insert: "(2) (a) [Section 2] is effective on passage and approval and applies retroactively, within the meaning of 1-2-109, to the tax years beginning after December 31, 1992.  
(b) [Section 3] is effective on passage and approval and applies to tax years beginning after December 31, 1994.

NEW SECTION. Section 25. Termination. [Section 2] terminates December 31, 1994."

And, as amended, do pass. Report adopted.

**SB 370**, third reading copy, be amended as follows: 3/19/93

1. Page 4, line 5.  
Strike: "DECEMBER 31, 1994"  
Insert: "July 1, 1995"

And, as amended, be concurred in. Report adopted.

### ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Representative Grinde moved the House adjourn until 8:00 a.m., Monday, March 22, 1993. Motion carried.

House adjourned at 8:50 p.m.

John Mercer, Speaker

Marilyn Miller, Chief Clerk



## SIXTY-FOURTH LEGISLATIVE DAY

Helena, Montana  
March 22, 1993

House Chambers  
State Capitol

House convened at 8:00 a.m. Mr. Speaker in the Chair. Invocation by Representative Endy. Pledge of Allegiance to the Flag.

Roll call. All members present except Bird, Dowell, Ewer, H. S. Hanson, J. Rice, S. Rice, excused. Quorum present.

### REPORTS OF STANDING COMMITTEES

BILLS (Hayne, Chairman):

3/22/93

Correctly printed for second reading: HB 5, HB 6, HB 10, HB 11, HB 17, HB 70, HB 97, HB 146, HB 198, HB 322, HB 333, HB 361, HB 427, HB 430, HB 453, HB 504, HB 511, HB 522, HB 529, HB 563, HB 570, HB 585, HB 587, HB 591, HB 608, HB 639, HB 643, HB 651, HB 652, HB 655, HB 663, HB 670, HB 671, HB 680, HB 682, HB 683, HB 685.

Examined by the sponsor and found to be correct:

HB 573 - Kadas

Signed by the Speaker at 12:00 p.m., 3/21/93: HB 50, HB 66, HB 68, HB 82, HB 98, HB 110, HB 112, HB 123, HB 129, HB 133, HB 153, HB 164, HB 187, HB 213, HB 230, HB 244, HB 247, HB 250, HB 256, HB 269, HB 290, HB 292, HB 293, HB 295, HB 298, HB 300, HB 304, HB 306, HB 309, HB 327, HB 329, HB 337, HB 340, HB 366, HB 372, HB 373, HB 435, HB 502, HB 534, HB 561, HB 566, HB 577, HB 634, HB 650, HJR 12, SB 84, SB 117, SB 160, SB 169, SB 184, SB 193, SB 270, SB 284, SB 307, SB 315, SB 319, SB 331, SB 353, SB 372, SB 383, SB 386, SB 390, SB 393, SB 407, SB 419, SB 420, SJR 19, SJR 22, SJR 27.

### MESSAGES FROM THE SENATE

House bills concurred in as amended and returned to the House for concurrence in Senate amendments:

3/20/93

**HB 258**, introduced by Toole

**HB 272**, introduced by J. Rice

**HB 307**, introduced by DeBruycker

**HB 545**, introduced by Tuss

**HB 613**, introduced by Ewer

Senate bills passed and transmitted to the House for concurrence:

3/20/93

**SB 271**, introduced by Jacobson

**SB 314**, introduced by Christiaens

House amendments to Senate bills concurred in:

3/20/93

**SB 63**, introduced by Weldon

**SB 125**, introduced by Van Valkenburg

**SB 192**, introduced by Waterman

**SB 214**, introduced by Weldon

**SB 225**, introduced by Rye



**SB 275**, introduced by Weldon  
**SB 350**, introduced by Forrester  
**SB 361**, introduced by Towe

**FIRST READING AND COMMITMENT  
OF BILLS AND RESOLUTIONS**

The following Senate bills were introduced, read first time, and referred to committee:

**SB 271**, introduced by Jacobson, Russell, Franklin, Keating, Yellowtail, Waterman, Eck, Schye, Christiaens, Ream, Brooke, Harrington, Wanzenried, Wyatt, Cobb, S. Rice, Menahan, B. Brown, D. Brown, Gage, Bird, Burnett, Crippen, Blaylock, Bartlett, Lynch, Doherty, referred to Committee on Business and Economic Development

**SB 314**, introduced by Christiaens, Towe, Kadas, Bianchi, Fritz, Wanzenried, Quilici, Harp, Crippen, Wilson, McCulloch (by request of the State Auditor), referred to Committee on Human Services and Aging

**MOTIONS**

Representative Grinde moved the House recess until 9:05 a.m. Motion carried.

House recessed at 8:06 a.m.

House reconvened at 9:05 a.m. Mr. Speaker in the Chair.

Representative Ewer present at this time.

Representative Grinde moved consideration of HB 2 be placed at the bottom of the second reading board. Motion carried.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Pavlovich in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 4** - Representative Zook moved HB 4 do pass. Motion carried as follows:

Ayes: Anderson, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, Dolezal, Driscoll, Elliott, Ellis, Endy, Fagg, Fisher, Foster, Gilbert, Grady, Grimes, Grinde, M. Hanson, Harper, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, L. Nelson, T. Nelson, Orr, Pavlovich, Peterson, Quilici, Rehbein, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring,

Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Vogel, Wagner, Wallin, Winslow, Wiseman, Zook, Mr. Speaker.  
Total 79

Noes: Bachini, Cobb, DeBruycker, Ewer, Feland, Galvin, Gervais, Hansen, Harrington, Molnar, Peck, Raney, Ream, Tuss, Wanzenried, Whalen.  
Total 16

Voted Absentee: S. Rice, Aye.

Excused: Bird, Dowell, H.S. Hanson, J. Rice.  
Total 4

Absent or not voting: Wyatt.  
Total 1

Representative Dowell present at this time.

**HB 5** - Representative Driscoll moved HB 5, second reading copy, be amended (amendment #1).

After a lengthy debate, Representative Daily made a motion for cloture on amendment #1. Motion carried.

Amendment #1 failed as follows: (42-58)

Representative J. Johnson moved HB 5, second reading copy, be amended (amendment #2). Amendment #2 failed as follows: (45-53)

Representative Bergsagel moved HB 5, second reading copy, be amended as follows (amendment #3):

1. Page 25, line 14.

Following: line 13

Insert: "NEW SECTION. Section 22. Transfer of funds. There is appropriated \$2,600,000 from the general fund to the capital projects fund during the 1995 biennium."

Renumber: subsequent sections

The general fund will replace the 2 cent cigarette tax that was removed from the Capital Projects Fund by HB 46.

Amendment #3 passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Boharski, Bohlinger, Brandewie, Clark, Daily, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, M. Hanson, Harper, Hayne, Herron, Hibbard, R. Johnson, Kadas, Keller, Knox, Larson, Mason, McCarthy, Menahan, Mills, Molnar, Orr, Peterson, Quilici, Rose, Russell, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Vogel, Wagner, Wallin, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 69

Noes: Brooke, Brown, Cobb, Cocchiarella, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Feland, Hansen, Harrington, J. Johnson, Kasten, McCaffree, McCulloch, L. Nelson, T. Nelson, Pavlovich, Peck, Raney, Ream, Rehbein, Ryan, Tuss, Wanzenried, Whalen.

Total 27

Excused: Bird, H.S. Hanson, J. Rice, S. Rice.

Total 4

Absent or not voting: None.

Total 0

Representative Bergsagel moved HB 5, second reading copy, be further amended as follows (amendment #4):

1. Page 2, line 18.

Strike: line 18 in its entirety

This removes the duplicate appropriation for the SRS Commodities Warehouse. This project is being funded in Section 9 with new bonding.

Amendment #4 passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Boharski, Bohlinger, Brandewie, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, M. Hanson, Harper, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, McCarthy, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 87

Noes: Brooke, Brown, Dowell, Harrington, Mason, McCulloch, Stanford, Wanzenried.

Total 8

Excused: Bird, H.S. Hanson, J. Rice, S. Rice.

Total 4

Absent or not voting: McCaffree.

Total 1

Representative Brooke moved HB 5, second reading copy, be further amended (amendment #5). Amendment #5 failed as follows: (40-57)

Representative Bergsagel moved HB 5, second reading copy, be further amended as follows (amendment #6):

1. Page 25, line 14.

Following: line 13

Insert: "NEW SECTION. Section 22. Contingent transfer of funds. If the fiscal year 1995 ending cash balance in the general fund is greater than \$30 million, then the amount of excess over \$3 million up to \$10 million is appropriated from the general fund to the capital projects fund."

Renumber: subsequent sections

Amendment #6 passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnhart, Benedict, Bergman, Bergsagel, Boharski, Bohlinger, Brandewie, Brown, Clark, Cobb, Daily, Dolezal, Elliott, Ellis, Endy, Fagg, Fisher, Foster, Galvin, Grady, Grimes, Grinde, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Mason, McCarthy, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peterson, Quilici, Rehbein, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Swanson, Tash, Toole, Tunby, Tuss, Wagner, Wallin, Whalen, Wiseman, Zook, Mr. Speaker.  
Total 72

Noes: Barnett, Brooke, Davis, DeBruycker, Dowell, Driscoll, Ewer, Feland, Gervais, Gilbert, Hansen, Larson, McCaffree, McCulloch, Peck, Raney, Ream, Schye, Simon, Vogel, Wanzenried, Winslow, Wyatt.  
Total 23

Voted Absentee: S. Rice, Aye.

Excused: Bird, H.S. Hanson, J. Rice.  
Total 3

Absent or not voting: Cocchiarella, Strizich.  
Total 2

Representative Bardanouve moved HB 5, second reading copy, be further amended (amendment #7). Amendment #7 failed as follows: (39-57)

Representative Menahan moved HB 5, second reading copy, be further amended (amendment #8). Amendment #8 failed as follows: (40-54)

Representative Whalen moved HB 5, second reading copy, be further amended as follows (amendment #9):

1. Page 6, line 12.

Following: line 11

Insert: "Highway Welcome and  
Farewell Signs                      200,000                      State Special Revenue"

Amendment #9 passed as follows:

Ayes: Barnhart, Bergman, Bohlinger, Brandewie, Brooke, Brown, Clark, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg,



Feland, Fisher, Galvin, Gervais, Grady, Hansen, M. Hanson, Harper, Harrington, Hibbard, J. Johnson, Kadas, Keller, Larson, McCarthy, McCulloch, Menahan, T. Nelson, Pavlovich, Peterson, Quilici, Raney, Ream, Rose, Russell, Schwinden, Schye, Simon, Simpkins, Squires, Stanford, Stovall, Swanson, Tash, Toole, Tunby, Tuss, Wanzenried, Whalen, Wyatt, Zook, Mr. Speaker.

Total 59

Noes: Anderson, Bachini, Barnett, Benedict, Bergsagel, Boharski, Cobb, DeBruycker, Foster, Gilbert, Grimes, Grinde, Hayne, Herron, R. Johnson, Knox, Mason, McCaffree, Mills, Molnar, L. Nelson, Orr, Peck, Rehbein, Ryan, Sayles, Smith, Spring, Vogel, Wagner, Wallin, Winslow, Wiseman.

Total 33

Excused: Bird, H.S. Hanson, J. Rice, S. Rice.

Total 4

Absent or not voting: Bardanoue, Cocchiarella, Kasten, Strizich.

Total 4

Representative Bergsagel moved HB 5, as amended, do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Barnett, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Clark, Cobb, Daily, Ellis, Fagg, Feland, Fisher, Foster, Gilbert, Grady, Grimes, Grinde, M. Hanson, Harrington, Hayne, Herron, Hibbard, R. Johnson, Kasten, Keller, Knox, Mason, McCarthy, Menahan, Mills, Molnar, L. Nelson, Orr, Peterson, Quilici, Rehbein, Rose, Sayles, Schye, Simon, Simpkins, Smith, Spring, Stovall, Tash, Tunby, Vogel, Wagner, Whalen, Wiseman, Zook, Mr. Speaker.

Total 57

Noes: Barnhart, Brooke, Brown, Cocchiarella, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Endy, Ewer, Galvin, Gervais, Hansen, Harper, J. Johnson, Kadas, Larson, McCaffree, McCulloch, T. Nelson, Pavlovich, Peck, Raney, Ream, S. Rice, Russell, Ryan, Schwinden, Squires, Stanford, Strizich, Swanson, Toole, Tuss, Wallin, Wanzenried, Winslow, Wyatt.

Total 40

Voted Absentee: Bird, Aye; S. Rice, No.

Excused: H.S. Hanson, J. Rice.

Total 2

Absent or not voting: Bardanoue.

Total 1

**HB 7** - Representative Gilbert moved HB 7, second reading copy, be amended as follows (amendment #1):

1. Page 3.

Following: line 11

Strike: lines 12 and 13 in their entirety

Amendment #1 passed as follows:

Ayes: Barnett, Barnhart, Benedict, Bergman, Bird, Bohlinger, Brandewie, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Endy, Feland, Galvin, Gervais, Gilbert, Grimes, Hansen, Harper, Harrington, Hibbard, Kadas, Kasten, Knox, Larson, Mason, McCarthy, McCulloch, Menahan, Molnar, T. Nelson, Pavlovich, Quilici, Raney, Ream, Russell, Ryan, Schye, Simpkins, Squires, Stanford, Stovall, Strizich, Swanson, Toole, Tunby, Tuss, Wallin, Wanzenried, Whalen, Wyatt, Zook.  
Total 58

Noes: Anderson, Bachini, Bergsagel, Boharski, Cobb, DeBruycker, Ellis, Ewer, Fagg, Fisher, Foster, Grady, Grinde, M. Hanson, Hayne, Herron, J. Johnson, R. Johnson, Keller, McCaffree, Mills, L. Nelson, Orr, Peck, Peterson, Rehbein, Rose, Sayles, Schwinden, Simon, Smith, Spring, Tash, Vogel, Wagner, Winslow, Wiseman, Mr. Speaker.  
Total 38

Voted Absentee: Bird, Aye.

Excused: H.S. Hanson, J. Rice, S. Rice.  
Total 3

Absent or not voting: Bardanouve.  
Total 1

Representative Bergsagel moved HB 7, as amended, do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Boharski, Bohlinger, Brandewie, Brooke, Clark, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Grady, Grimes, Grinde, Hansen, M. Hanson, Harper, Harrington, Herron, Hibbard, J. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, L. Nelson, T. Nelson, Orr, Pavlovich, Quilici, Raney, Ream, Rehbein, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 82

Noes: Cobb, Cocchiarella, DeBruycker, Feland, Galvin, Gervais, Gilbert, Hayne, R. Johnson, Molnar, Peck, Peterson, Winslow.  
Total 13

Voted Absentee: S. Rice, Aye.

Excused: Bird, H.S. Hanson, J. Rice.  
Total 3

Absent or not voting: Bardanouve, Brown.  
Total 2

**HB 9** - Representative Bergsagel moved HB 9 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, Dolezal, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Grady, Hansen, M. Hanson, Harper, Harrington, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Knox, Larson, Mason, McCarthy, McCulloch, Menahan, Mills, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Quilici, Raney, Ream, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Toole, Tunby, Tuss, Vogel, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 79

Noes: Cobb, DeBruycker, Dowell, Driscoll, Feland, Gilbert, Grimes, Grinde, Hayne, Kasten, Keller, McCaffree, Molnar, Peterson, Rehbein, Tash, Wagner.

Total 17

Voted Absentee: S. Rice, Aye.

Excused: Bird, H.S. Hanson, J. Rice.

Total 3

Absent or not voting: Bardanouve.

Total 1

**HB 10** - Representative Bergsagel moved HB 10, second reading copy, be amended as follows (amendment #1):

1. Title, lines 8 and 9.

Strike: "CLARIFYING THAT ONLY INTEREST AND EARNINGS ARE STATUTORILY APPROPRIATED;"

Amendment #1 passed as follows:

Ayes: Anderson, Bachini, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Boharski, Bohlinger, Brandewie, Brooke, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 93

Noes: None.

Total 0

Excused: Bird, H.S. Hanson, J. Rice, S. Rice.

Total 4

Absent or not voting: Bardanouve, Brown, Feland.

Total 3

Representative Bergsagel moved HB 10, as amended, do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, Dolezal, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Grimes, Grinde, Hansen, M. Hanson, Harper, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Knox, Larson, Mason, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 87

Noes: Cobb, DeBruycker, Dowell, Feland, Gilbert, Keller, McCaffree.

Total 7

Voted Absentee: S. Rice, Aye.

Excused: Bird, H.S. Hanson, J. Rice.

Total 3

Absent or not voting: Bardanouve, Grady, Harrington.

Total 3

**HB 685** - Representative Wanzenried moved HB 685, second reading copy, be amended (amendment #1). Amendment #1 failed as follows: (39-60)

Representative Grady moved HB 685 do pass. Motion carried as follows:

Ayes: Anderson, Bardanouve, Benedict, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Clark, Cobb, DeBruycker, Elliott, Ellis, Fagg, Feland, Fisher, Foster, Gilbert, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Herron, Hibbard, R. Johnson, Kadas, Kasten, Keller, Knox, Mason, L. Nelson, T. Nelson, Orr, Peterson, Rehbein, J. Rice, Sayles, Simon, Simpkins, Spring, Stovall, Strizich, Tash, Tunby, Vogel, Wagner, Winslow, Wiseman, Zook, Mr. Speaker.

Total 52

Noes: Bachini, Barnett, Barnhart, Bergman, Brooke, Brown, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Endy, Ewer, Galvin, Gervais, Hansen, Harper, Harrington, J. Johnson, Larson, McCaffree, McCarthy, McCulloch, Menahan, Mills, Pavlovich, Peck, Quilici, Raney, Ream, S. Rice, Rose, Russell, Ryan, Schye, Smith, Squires, Stanford, Swanson, Toole, Tuss, Wallin, Wanzenried, Whalen, Wyatt.



Total 46

Voted Absentee: Bird, H.S. Hanson, J. Rice, Ayes; S. Rice, No.

Excused: None.

Total 0

Absent or not voting: Molnar, Schwinden.

Total 2

Representative Grinde moved the House recess until 1:30 p.m. Motion carried.

House recessed at 12:25 p.m.

House reconvened at 1:30 p.m. Representative Pavlovich in the Chair.

**HB 654** - Representative DeBruycker moved HB 654 do pass. Motion carried as follows:

Ayes: Anderson, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Boharski, Bohlinger, Brandewie, Clark, Cobb, DeBruycker, Fagg, Feland, Fisher, Foster, Gilbert, Grady, Grimes, Grinde, M. Hanson, Hayne, Herron, Hibbard, R. Johnson, Kasten, Keller, Knox, Mason, Mills, Molnar, T. Nelson, Orr, Peterson, Rehbein, Rose, Sayles, Simon, Simpkins, Spring, Stovall, Strizich, Swanson, Tash, Tunby, Vogel, Wagner, Wallin, Winslow, Wiseman, Zook, Mr. Speaker.

Total 52

Noes: Bachini, Bardanouve, Brooke, Brown, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Endy, Ewer, Galvin, Gervais, Hansen, Harper, Harrington, J. Johnson, Kadas, Larson, McCaffree, McCarthy, McCulloch, Menahan, Pavlovich, Peck, Quilici, Raney, Ream, S. Rice, Russell, Ryan, Schwinden, Schye, Smith, Squires, Stanford, Toole, Tuss, Wanzenried, Whalen, Wyatt.

Total 42

Voted Absentee: S. Rice, No.

Excused: Bird, H.S. Hanson, J. Rice.

Total 3

Absent or not voting: Elliott, Ellis, L. Nelson.

Total 3

**HB 517, HB 522 and HB 198** - Mr. Speaker moved consideration of HB 517, HB 522 and HB 198 be placed below HB 471 on the second reading board. Motion carried.

**HB 427** - Representative Cobb moved HB 427, second reading copy, be amended as follows (amendment #1):

1. Page 47, line 8.

Following: ";"  
Insert: "and"

2. Page 47, lines 9 through 11.  
Following: "(b)" on line 9  
Strike: remainder of line 9 through "(c)" on line 11

Amendment #1 passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gilbert, Grady, Grimes, Grinde, M. Hanson, Harper, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Rehbein, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Zook, Mr. Speaker.  
Total 89

Noes: Dowell, Gervais, Hansen, Harrington, Wyatt.  
Total 5

Excused: Bird, H.S. Hanson, J. Rice, S. Rice.  
Total 4

Absent or not voting: L. Nelson, Ream.  
Total 2

Representative Cobb moved HB 427, second reading copy, be further amended (amendment #2). Amendment #2 failed as follows: (44-48)

Representative Kadas moved the House reconsider its action on HB 427, amendment #2, taken on second reading this legislative day. Motion carried. (66-27)

Representative Cobb moved his original motion HB 427, second reading copy, be further amended as follows (amendment #2):

1. Title, line 11.  
Following: "~~15-10-412~~,"  
Insert: "15-10-412,"

2. Page 3, line 25.  
Following: "7-6-2537"  
Insert: "or 53-2-322"

3. Page 30, line 23 through page 31, line 2.  
Strike: page 30, line 23 through "." on page 31, line 2

Insert: "The board may levy up to an additional 12 mills if approved by the voters in the county. A county shall levy sufficient mills to reimburse the state for any administrative or operational costs in excess of the administrative and operational costs for the previous fiscal year. The department shall notify the counties of the number of mills required to be levied. Once an additional levy has been approved, the amount of the approved levy may continue to be levied without voter approval."

4. Page 59, line 23.

Following: line 22

Insert: "Section 30. Section 15-10-412, MCA, is amended to read:

"15-10-412. Property tax limited to 1986 levels -- clarification -- extension to all property classes. Section 15-10-402 is interpreted and clarified as follows:

(1) The limitation to 1986 levels is extended to apply to all classes of property described in Title 15, chapter 6, part 1.

(2) The limitation on the amount of taxes levied is interpreted to mean that, except as otherwise provided in this section, the actual tax liability for an individual property is capped at the dollar amount due in each taxing unit for the 1986 tax year. In tax years thereafter, the property must be taxed in each taxing unit at the 1986 cap or the product of the taxable value and mills levied, whichever is less for each taxing unit, except in a taxing unit that levied a tax in tax years 1983 through 1985 but did not levy a tax in 1986, in which case the actual tax liability for an individual property is capped at the dollar amount due in that taxing unit for the 1985 tax year.

(3) The limitation on the amount of taxes levied does not mean that no further increase may be made in the total taxable valuation of a taxing unit as a result of:

(a) annexation of real property and improvements into a taxing unit;

(b) construction, expansion, or remodeling of improvements;

(c) transfer of property into a taxing unit;

(d) subdivision of real property;

(e) reclassification of property;

(f) increases in the amount of production or the value of production for property described in 15-6-131 or 15-6-132;

(g) transfer of property from tax-exempt to taxable status;

or

(h) revaluations caused by:

(i) cyclical reappraisal; or

(ii) expansion, addition, replacement, or remodeling of improvements.

(4) The limitation on the amount of taxes levied does not mean that no further increase may be made in the taxable valuation or in the actual tax liability on individual property in each class as a result of:

(a) a revaluation caused by:

(i) construction, expansion, replacement, or remodeling of improvements that adds value to the property; or

- (ii) cyclical reappraisal;
- (b) transfer of property into a taxing unit;
- (c) reclassification of property;
- (d) increases in the amount of production or the value of production for property described in 15-6-131 or 15-6-132;
- (e) annexation of the individual property into a new taxing unit; or
- (f) conversion of the individual property from tax-exempt to taxable status.

(5) Property in classes four and eleven is valued according to the procedures used in 1986, including the designation of 1982 as the base year, until the reappraisal cycle beginning January 1, 1986, is completed and new valuations are placed on the tax rolls and a new base year designated, if the property is:

- (a) new construction;
- (b) expanded, deleted, replaced, or remodeled improvements;

(c) annexed property; or

(d) property converted from tax-exempt to taxable status.

(6) Property described in subsections (5)(a) through (5)(d) that is not class four or class eleven property is valued according to the procedures used in 1986 but is also subject to the dollar cap in each taxing unit based on 1986 mills levied.

(7) The limitation on the amount of taxes, as clarified in this section, is intended to leave the property appraisal and valuation methodology of the department of revenue intact. Determinations of county classifications, salaries of local government officers, and all other matters in which total taxable valuation is an integral component are not affected by 15-10-401 and 15-10-402 except for the use of taxable valuation in fixing tax levies. In fixing tax levies, the taxing units of local government may anticipate the deficiency in revenues resulting from the tax limitations in 15-10-401 and 15-10-402, while understanding that regardless of the amount of mills levied, a taxpayer's liability may not exceed the dollar amount due in each taxing unit for the 1986 tax year unless:

(a) the taxing unit's taxable valuation decreases by 5% or more from the 1986 tax year. If a taxing unit's taxable valuation decreases by 5% or more from the 1986 tax year, it may levy additional mills to compensate for the decreased taxable valuation, but in no case may the mills levied exceed a number calculated to equal the revenue from property taxes for the 1986 tax year in that taxing unit.

(b) a levy authorized under Title 20 raised less revenue in 1986 than was raised in either 1984 or 1985, in which case the taxing unit may, after approval by the voters in the taxing unit, raise each year thereafter an additional number of mills but may not levy more revenue than the 3-year average of revenue raised for that purpose during 1984, 1985, and 1986;

(c) a levy authorized in 50-2-111 that was made in 1986 was for less than the number of mills levied in either 1984 or 1985, in which case the taxing unit may, after approval by the voters in the taxing unit, levy each year thereafter an additional number of



mills but may not levy more than the 3-year average number of mills levied for that purpose during 1984, 1985, and 1986.

(8) The limitation on the amount of taxes levied does not apply to the following levy or special assessment categories, whether or not they are based on commitments made before or after approval of 15-10-401 and 15-10-402:

- (a) rural improvement districts;
- (b) special improvement districts;
- (c) levies pledged for the repayment of bonded indebtedness, including tax increment bonds;
- (d) city street maintenance districts;
- (e) tax increment financing districts;
- (f) satisfaction of judgments against a taxing unit;
- (g) street lighting assessments;
- (h) revolving funds to support any categories specified in this subsection (8);
- (i) levies for economic development authorized pursuant to 90-5-112(4);
- (j) levies authorized under 7-6-502 for juvenile detention programs; and
- (k) elementary and high school districts; and
- (l) voted poor fund levies authorized under 53-2-322.

(9) The limitation on the amount of taxes levied does not apply in a taxing unit if the voters in the taxing unit approve an increase in tax liability following a resolution of the governing body of the taxing unit containing:

- (a) a finding that there are insufficient funds to adequately operate the taxing unit as a result of 15-10-401 and 15-10-402;
- (b) an explanation of the nature of the financial emergency;
- (c) an estimate of the amount of funding shortfall expected by the taxing unit;
- (d) a statement that applicable fund balances are or by the end of the fiscal year will be depleted;
- (e) a finding that there are no alternative sources of revenue;
- (f) a summary of the alternatives that the governing body of the taxing unit has considered; and
- (g) a statement of the need for the increased revenue and how it will be used.

(10) (a) The limitation on the amount of taxes levied does not apply to levies required to address the funding of relief of suffering of inhabitants caused by famine, conflagration, or other public calamity.

(b) The limitation set forth in this chapter on the amount of taxes levied does not apply to levies to support:

- (i) a city-county board of health as provided in Title 50, chapter 2, if the governing bodies of the taxing units served by the board of health determine, after a public hearing, that public health programs require funds to ensure the public health. A levy for the support of a local board of health may not exceed the 5-mill limit established in 50-2-111.

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(ii) county, city, or town ambulance services authorized by a vote of the electorate under 7-34-102(2).

(11) The limitation on the amount of taxes levied by a taxing jurisdiction subject to a statutory maximum mill levy does not prevent a taxing jurisdiction from increasing its number of mills beyond the statutory maximum mill levy to produce revenue equal to its 1986 revenue.

(12) The limitation on the amount of taxes levied does not apply to a levy increase to repay taxes paid under protest in accordance with 15-1-402."

Renumber: subsequent sections

5. Page 60, line 11.

Strike: "31"

Insert: "32"

6. Page 60, line 14.

Following: "27"

Insert: ", 30,"

Strike: "30"

Insert: "31"

Amendment #2 passed as follows:

Ayes: Bardanouve, Barnhart, Bergsagel, Bohlinger, Brooke, Brown, Cobb, Cocchiarella, Daily, Davis, Dolezal, Driscoll, Elliott, Endy, Ewer, Fagg, Fisher, Galvin, Gervais, Harper, Harrington, Hayne, Hibbard, J. Johnson, R. Johnson, Kadas, Larson, Mason, McCaffree, McCarthy, Menahan, L. Nelson, Pavlovich, Quilici, Raney, Ream, S. Rice, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Squires, Strizich, Swanson, Toole, Tunby, Tuss, Whalen, Wiseman.

Total 52

Noes: Anderson, Bachini, Barnett, Benedict, Bergman, Bird, Boharski, Brandewie, Clark, DeBruycker, Dowell, Ellis, Feland, Foster, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Herron, Kasten, Keller, Knox, McCulloch, Mills, Molnar, T. Nelson, Orr, Peck, Peterson, Rehbein, Rose, Smith, Spring, Stanford, Stovall, Tash, Vogel, Wagner, Wallin, Wanzenried, Winslow, Wyatt, Zook, Mr. Speaker.

Total 47

Voted Absentee: S. Rice, Aye; Bird, H.S. Hanson, Noes.

Excused: J. Rice.

Total 1

Absent or not voting: None.

Total 0

Representative Cobb moved HB 427, as amended, do pass. Motion carried as follows:

Ayes: Anderson, Bardanoue, Barnett, Benedict, Bergman, Bergsagel, Boharski, Bohlinger, Brandewie, Clark, Cobb, DeBruycker, Ellis, Fagg, Feland, Fisher, Foster, Gilbert, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Herron, Hibbard, R. Johnson, Kasten, Keller, Knox, Mason, Mills, Molnar, L. Nelson, T. Nelson, Orr, Peck, Peterson, Raney, Rehbein, J. Rice, Rose, Simon, Simpkins, Smith, Spring, Stovall, Tash, Tunby, Vogel, Wallin, Winslow, Wiseman, Zook, Mr. Speaker.

Total 54

Noes: Bachini, Barnhart, Bird, Brooke, Brown, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Endy, Ewer, Galvin, Gervais, Grady, Hansen, Harper, Harrington, J. Johnson, Kadas, Larson, McCaffree, McCarthy, McCulloch, Menahan, Pavlovich, Quilici, Ream, S. Rice, Russell, Ryan, Sayles, Schwinden, Schye, Squires, Stanford, Strizich, Swanson, Toole, Tuss, Wagner, Wanzenried, Whalen, Wyatt.

Total 46

Voted Absentee: H.S. Hanson, J. Rice, Ayes; Bird, S. Rice, Noes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Grinde moved the House recess until 3:00 p.m. Motion carried.

House recessed at 2:24 p.m.

House reconvened at 3:00 p.m. Representative Pavlovich in the Chair.

**HB 12** - Representative Bardanoue moved consideration of HB 12 be placed below HB 6 on the second reading board. Motion carried.

Representatives Brandewie, Foster and Ryan excused at this time.

Representative Bird present at this time.

**HB 671** - Mr. Speaker moved HB 671, second reading copy, be amended (amendment #1). Amendment #1 failed as follows: (50-50)

Mr. Speaker moved the House reconsider its action on HB 671, amendment #1, taken on second reading this legislative day. Motion carried. (59-38)

Mr. Speaker moved HB 671, second reading copy, be amended as follows (amendment #1):

1. Page 6, line 21.

Strike: "7.3%"

Insert: "7.2%"

2. Page 8, line 13.

Strike: "7.4%"

Insert: "7.3%"

3. Page 21, lines 18 and 22 and page 22, lines 3 and 9.

Strike: "40%"

Insert: "30%"

4. Page 21, line 19.

Strike: "\$2,000"

Insert: "\$2,500"

Amendment #1 passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Bergman, Bergsagel, Bird, Brown, Clark, Cobb, Daily, DeBruycker, Ellis, Ewer, Fagg, Feland, Foster, Gilbert, Grady, Grinde, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, R. Johnson, Kasten, Knox, Larson, Mason, T. Nelson, Pavlovich, Peck, Peterson, J. Rice, Schye, Simpkins, Spring, Stovall, Strizich, Tash, Toole, Tunby, Vogel, Wallin, Winslow, Wiseman, Zook, Mr. Speaker.

Total 50

Noes: Barnhart, Benedict, Boharski, Bohlinger, Brooke, Cocchiarella, Davis, Dolezal, Dowell, Driscoll, Elliott, Endy, Fisher, Galvin, Gervais, Grimes, Hansen, Herron, J. Johnson, Kadas, Keller, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, Orr, Quilici, Raney, Ream, Rehbein, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Simon, Smith, Squires, Stanford, Swanson, Tuss, Wagner, Wanzenried, Whalen, Wyatt.

Total 49

Voted Absentee: Foster, H.S. Hanson, J. Rice, Ayes; S. Rice, Ryan, Noes.

Excused: Brandewie.

Total 1

Absent or not voting: None.

Total 0

Representative Ryan present at this time.

Representative Driscoll moved HB 671, second reading copy, be further amended as follows (amendment #2):

1. Page 13, line 17.

Following: "1983,"

Insert: "and service charges"

2. Page 13, line 19.

Strike: ";

Insert: ". For the purposes of this subsection (f), "service charge" means an arbitrary fixed charge added to the customer's bill by the person's employer in lieu of a tip. It is collected by the employer and paid to the person by the employer."



Amendment #2 passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Bohlinger, Brooke, Brown, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Quilici, Raney, Ream, S. Rice, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 86

Noes: Bergsagel, Boharski, Clark, Fisher, Mason, Peterson, Rehbein, Vogel, Wagner.

Total 9

Voted Absentee: S. Rice, Aye.

Excused: Brandewie, Foster, H.S. Hanson, J. Rice.

Total 4

Absent or not voting: Rose.

Total 1

Representative Driscoll moved HB 671, second reading copy, be further amended (amendment #3). Amendment #3 failed as follows: (44-56)

Representatives Brandewie and Foster present at this time.

Representative Ream moved HB 671, second reading copy, be further amended (amendment #4). Amendment #4 failed as follows: (49-51)

Representative Gilbert moved HB 671, as amended, do pass. Motion failed as follows:

Ayes: Bardanouve, Barnett, Bergsagel, Bird, Bohlinger, Brooke, Brown, Clark, Cocchiarella, Daily, DeBruycker, Elliott, Ellis, Ewer, Feland, Gilbert, Grady, Grinde, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, J. Johnson, R. Johnson, Kadas, Knox, T. Nelson, Peterson, Ream, J. Rice, Rose, Russell, Sayles, Schye, Simpkins, Spring, Squires, Stanford, Strizich, Swanson, Tash, Toole, Tunby, Wallin, Wiseman, Zook, Mr. Speaker.

Total 49

Noes: Anderson, Bachini, Barnhart, Benedict, Bergman, Boharski, Brandewie, Cobb, Davis, Dolezal, Dowell, Driscoll, Endy, Fagg, Fisher, Foster, Galvin, Gervais, Grimes, Hansen, Herron, Kasten, Keller, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, Orr, Pavlovich, Peck, Quilici, Raney, Rehbein, S. Rice, Ryan,

Schwinden, Simon, Smith, Stovall, Tuss, Vogel, Wagner, Wanzenried, Whalen, Winslow, Wyatt.  
Total 51

Voted Absentee: H.S. Hanson, J. Rice, Ayes; S. Rice, No.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

Representative Elliott moved the House reconsider its action on HB 671 taken on second reading this legislative day. Motion carried. (69-31)

Representative Gilbert moved HB 671, as amended, do pass. Motion carried as follows:

Ayes: Bardanouve, Barnett, Barnhart, Bergman, Bergsagel, Bird, Bohlinger, Brooke, Brown, Clark, Cocchiarella, Daily, DeBruycker, Elliott, Ellis, Ewer, Feland, Gilbert, Grady, Grinde, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, J. Johnson, R. Johnson, Kadas, Knox, McCarthy, T. Nelson, Pavlovich, Peck, Peterson, Quilici, Ream, J. Rice, Russell, Schye, Simpkins, Spring, Squires, Stanford, Strizich, Swanson, Tash, Toole, Tunby, Wallin, Wiseman, Zook, Mr. Speaker.  
Total 53

Noes: Anderson, Bachini, Benedict, Boharski, Brandewie, Cobb, Davis, Dolezal, Dowell, Driscoll, Endy, Fagg, Fisher, Foster, Galvin, Gervais, Grimes, Hansen, Herron, Kasten, Keller, Larson, Mason, McCaffree, McCulloch, Menahan, Mills, Molnar, L. Nelson, Orr, Raney, Rehbein, S. Rice, Rose, Ryan, Sayles, Schwinden, Smith, Stovall, Tuss, Vogel, Wagner, Wanzenried, Whalen, Winslow, Wyatt.  
Total 46

Voted Absentee: H.S. Hanson, J. Rice, Ayes; S. Rice, No.

Excused: None.  
Total 0

Absent or not voting: Simon.  
Total 1

**HB 591** - Representative Brown moved HB 591, second reading copy, be amended (amendment #1). Amendment #1 failed as follows: (19-80)

Representative Wallin moved HB 591 do pass. Motion carried as follows:

Ayes: Bachini, Barnett, Barnhart, Bergman, Bohlinger, Brandewie, Brooke, Brown, Cocchiarella, Daily, DeBruycker, Driscoll, Ewer, Feland, Galvin, Gilbert, Grimes, Grinde, M. Hanson, Harrington, Herron, J. Johnson, R. Johnson, Kadas, Knox, Larson, Mason, McCulloch, L. Nelson, T. Nelson, Orr, Pavlovich, Peterson, J. Rice, S. Rice, Rose, Schye, Simon, Simpkins,

Smith, Spring, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Vogel,  
Wallin, Winslow, Wiseman, Zook, Mr. Speaker.  
Total 53

Noes: Anderson, Bardanouve, Benedict, Bergsagel, Bird, Boharski, Clark,  
Cobb, Davis, Dolezal, Dowell, Elliott, Ellis, Endy, Fagg, Fisher, Foster,  
Gervais, Grady, Hansen, Harper, Hayne, Hibbard, Kasten, Keller,  
McCaffree, McCarthy, Menahan, Mills, Molnar, Peck, Quilici, Raney, Ream,  
Rehbein, Russell, Ryan, Sayles, Schwinden, Squires, Stanford, Tuss,  
Wagner, Wanzenried, Whalen, Wyatt.  
Total 46

Voted Absentee: J. Rice, S. Rice, Ayes.

Excused: H.S. Hanson.  
Total 1

Absent or not voting: None.  
Total 0

Representative Grinde moved the committee rise. Motion carried.  
Committee arose. House resumed. Mr. Speaker in the Chair.

### REPORTS OF STANDING COMMITTEES

BILLS (Hayne, Chairman): 3/20/93  
Correctly enrolled: HB 230, HB 329, HB 561, HB 566, HB 577.

LABOR AND EMPLOYMENT RELATIONS (T. Nelson, Chairman): 3/22/93  
**SB 329**, third reading copy, be amended as follows:

1. Page 2, line 24.

Page 6, line 2.

Following: "hospital,"

Insert: "except for a project that will be owned and operated by a nonprofit  
corporation, as described in section 501(c)(3) of the Internal  
Revenue Code, other than a hospital,"

2. Page 8, line 5.

Following: "contributions"

Strike: " "

Insert: "that meet the requirements of the Employee Retirement Income  
Security Act of 1974"

Following: "and"

Insert: "and"

Following: "travel"

Insert: "allowance provisions,"

3. Page 8, lines 6 and 7.

Following: "allowance" on line 6

Strike: " "

Following: "provisions" on line 6

Strike: the remainder of line 6 through "are" on line 7

4. Page 8, line 22.

Following: "~~or~~"

Insert: "unless the project will be owned and operated by a nonprofit corporation, as described in section 501(c)(3) of the Internal Revenue Code, other than a hospital, or"

5. Page 10, line 11.

Following: "corporation"

Insert: ", as described in section 501(3)(c) of the Internal Revenue Code,"

Following: "hospital"

Insert: ", "

6. Page 12, line 2.

Following: "~~the~~"

Strike: "~~THE~~"

Insert: "Except for a project that will be owned and operated by a nonprofit corporation, as described in section 501(3)(c) of the Internal Revenue Code, other than a hospital, the"

And, as amended, be concurred in. Report adopted.

#### **FIRST READING AND COMMITMENT OF BILLS AND RESOLUTIONS**

The following House Joint Resolution was introduced, read first time, and referred to committee:

**HJR 25**, introduced by Fisher, Quilici, Peterson (by request of the Joint Subcommittee on General Government and Transportation), referred to Committee on Appropriations

#### **MOTIONS**

Representative Grinde moved to suspend all applicable rules to allow all the bills on second reading this date to be considered on second and third readings to meet the 71st legislative day deadline. Motion carried.

Representative Brown moved HB 669 be indefinitely postponed. Motion carried. (68-27)

Representative Boharski moved SB 271 be taken from the Committee on Business and Economic Development and rereferred to the Committee on Human Services and Aging. Motion carried.

Representative Boharski moved SB 314 be taken from the Committee on Human Services and Aging and rereferred to the Committee on Business and Economic Development. Motion carried.

Representative Cocchiarella moved the rules be suspended to allow an additional sponsor to be added to HB 469. Motion carried.



HOUSE JOURNAL  
REGULAR SESSION

**SPECIAL ORDERS OF THE DAY**

The following sponsor was added to HB 469: Spring.

**ANNOUNCEMENTS**

Committee meetings were announced by committee chairmen.

Representative Grinde moved the House adjourn until 8:00 a.m., Tuesday, March 23, 1993. Motion carried.

House adjourned at 5:57 p.m.

John Mercer, Speaker

Marilyn Miller, Chief Clerk

## SIXTY-FIFTH LEGISLATIVE DAY

Helena, Montana  
March 23, 1993

House Chambers  
State Capitol

House convened at 8:00 a.m. Mr. Speaker in the Chair. Invocation by Representative Ellis. Pledge of Allegiance to the Flag.

Roll call. All members present except Bird, Schwinden, excused. Quorum present.

Mr. Speaker: We, your committee on Legislative Administration/Bills and Journal, having examined the daily journal for the sixty-first legislative day, find the same to be correct.

Harriet Hayne, Chairman

### REPORTS OF STANDING COMMITTEES

BILLS (Hayne, Chairman): 3/23/93  
Correctly engrossed for third reading: HB 4, HB 5, HB 7, HB 10, HB 427,  
HB 654, HB 685.  
Correctly enrolled: HB 573.  
Examined by the sponsor and found to be correct:  
HB 279 - Gilbert  
HB 490 - Orr  
HB 499 - Cobb

### MESSAGES FROM THE SENATE

House bills concurred in and returned to the House: 3/22/93

**HB 371**, introduced by L. Nelson  
**HB 621**, introduced by Elliott  
**HJR 10**, introduced by Gervais  
**HJR 11**, introduced by Daily  
**HJR 16**, introduced by Quilici  
**HJR 20**, introduced by Knox  
**HJR 23**, introduced by Gervais

House bills concurred in as amended and returned to the House for concurrence in Senate amendments: 3/22/93

**HB 222**, introduced by Stanford  
**HB 429**, introduced by Strizich  
**HB 478**, introduced by Toole  
**HB 606**, introduced by Ellis  
**HB 617**, introduced by Grady  
**HB 638**, introduced by Grimes

### MESSAGES FROM THE GOVERNOR

The Honorable John Mercer  
Speaker of the House  
State Capitol  
Helena, Montana 59620

March 18, 1993

Dear Representative Mercer:

Please be informed that I have signed House Bill 44 on March 18, 1993.

Sincerely,

MARC RACICOT  
Governor

### MOTIONS

Representative Grinde moved consideration of HB 314 and HB 642 be placed at the top of the second reading board. Motion carried.

Representative Cobb moved the House reconsider its action on HB 669 taken on second reading the previous legislative day. Motion failed. (39-55)

Representative Cobb moved SB 31 be taken from the Select Committee on School Funding and rereferred to the Committee on Education and Cultural Resources. Motion carried.

### SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Simon in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 314** - Representative Raney moved HB 314 do pass. Motion carried as follows:

Ayes: Anderson, Bardanouve, Barnett, Barnhart, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Knox, Larson, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Pavlovich, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wallin, Wanzenried, Whalen, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 83

Noes: Bachini, Benedict, Bergsagel, Clark, DeBruycker, Feland, Grimes, Kasten, Keller, Mason, Orr, Peck, Rehbein, Rose, Spring, Wagner, Winslow.  
Total 17

Voted Absentee: Bird, Schwinden, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 642** - Representative Raney moved HB 642 do pass. Motion carried as follows:

Ayes: Bachini, Bardanouve, Barnhart, Bird, Bohlinger, Brandewie, Brooke, Brown, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Galvin, Gervais, Grady, Grimes, Grinde, Hansen, H.S. Hanson, Harper, Harrington, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Knox, Larson, McCaffree, McCarthy, McCulloch, Menahan, L. Nelson, T. Nelson, Pavlovich, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Russell, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Wanzenried, Whalen, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 72

Noes: Anderson, Barnett, Benedict, Bergman, Bergsagel, Boharski, Clark, Feland, Fisher, Foster, Gilbert, M. Hanson, Hayne, Kasten, Keller, Mason, Mills, Molnar, Orr, Peck, Rehbein, Rose, Ryan, Vogel, Wagner, Wallin, Winslow.  
Total 27

Voted Absentee: Bird, Schwinden, Ayes.

Excused: None.

Total 0

Absent or not voting: Cobb.

Total 1

Representative Grinde moved the House recess until 8:58 a.m. Motion carried.

House recessed at 8:21 a.m.

House reconvened at 8:58 a.m. Representative Simon in the Chair.

**HB 2** - Representative Grinde moved consideration of HB 2 be placed below HB 647 on the second reading board. Motion carried.

Representative Schwinden present at this time.

**HB 12** - Representative Bardanouve moved consideration of HB 12 be placed below HJR 24 on the second reading board. Motion carried.

**HB 97** - Representative Quilici moved HB 97 do pass. Motion carried as follows:



Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 96

Noes: Feland, Wanzenried.

Total 2

Voted Absentee: Bird, Aye.

Excused: None.

Total 0

Absent or not voting: Orr, Simon.

Total 2

**HB 146** - Representative Cobb moved HB 146 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 100

Noes: None.

Total 0

Voted Absentee: Bird, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 333** - Representative Cobb moved HB 333 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Barnett, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCarthy, McCulloch, Menahan, Mills, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Sayles, Schwinden, Schye, Simon, Simpkins, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wallin, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 90

Noes: Bardanouve, Brown, Feland, McCaffree, Molnar, Ryan, Smith, Wagner, Wanzenried.  
Total 9

Voted Absentee: Bird, Aye.

Excused: None.  
Total 0

Absent or not voting: Barnhart.  
Total 1

**HB 430** - Representative Strizich moved HB 430 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Grimes, Hansen, H.S. Hanson, Harper, Hayne, Herron, Hibbard, J. Johnson, Kadas, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Schwinden, Schye, Simon, Simpkins, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 83

Noes: Bergsagel, DeBruycker, Feland, Gilbert, Grinde, M. Hanson, R. Johnson, Kasten, Keller, Knox, Peck, Rehbein, Sayles, Smith, Wagner.  
Total 15

Voted Absentee: Bird, Aye.

Excused: None.  
Total 0

Absent or not voting: Grady, Harrington.

Total 2

**HB 483** - Representative Squires moved consideration of HB 483 be placed at the bottom of the second reading board. Motion carried.

**HB 529** - Representative Strizich moved HB 529 do pass. Motion carried as follows:

Ayes: Bachini, Bardanouve, Barnett, Barnhart, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Grady, Grimes, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Mills, Molnar, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wallin, Wanzenried, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 85

Noes: Anderson, Benedict, Bergsagel, DeBruycker, Feland, Gilbert, Kasten, Keller, Menahan, L. Nelson, Rehbein, Sayles, Wagner, Whalen.

Total 14

Voted Absentee: Bird, Aye.

Excused: None.

Total 0

Absent or not voting: Grinde.

Total 1

**HB 537** - Representative Bardanouve moved HB 537 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Tunby, Tuss, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 94

Noes: Barnett, Herron, Rehbein, Toole, Vogel.

Total 5

Voted Absentee: Bird, Aye.

Excused: None.  
Total 0

Absent or not voting: Grinde.  
Total 1

**HB 549** - Representative Peterson moved HB 549 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 95

Noes: Bergsagel.  
Total 1

Voted Absentee: Bird, Aye.

Excused: None.  
Total 0

Absent or not voting: Grady, Grimes, Grinde, J. Johnson.  
Total 4

**HB 570** - Representative Grinde moved consideration of HB 570 be placed below HB 2 on the second reading board. Motion carried.

**HB 585** - Representative Cocchiarella moved HB 585 do pass. Motion carried as follows:

Ayes: Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Bohlinger, Brandewie, Brooke, Brown, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Grady, Grimes, Hansen, H.S. Hanson, Harper, Harrington, Hibbard, J. Johnson, R. Johnson, Kadas, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Pavlovich, Peck, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 82



Noes: Anderson, Bergsagel, Clark, DeBruycker, Feland, Grinde, M. Hanson, Hayne, Herron, Kasten, Keller, Orr, Peterson, Rehbein, Vogel.  
Total 15

Voted Absentee: Bird, Aye.

Excused: None.  
Total 0

Absent or not voting: Boharski, Cobb, Gilbert.  
Total 3

**HB 601** - Representative Schye moved HB 601 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 92

Noes: Bergsagel, Boharski, Kasten, Keller, Molnar, Rehbein, Wagner.  
Total 7

Voted Absentee: Bird, Aye.

Excused: None.  
Total 0

Absent or not voting: Grinde.  
Total 1

**HB 609** - Representative Wanzenried moved HB 609 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring,

Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 100

Noes: None.

Total 0

Voted Absentee: Bird, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 2 and HB 570** - Representative Grinde moved consideration of HB 2 and HB 570 be placed at the bottom of the second reading board. Motion carried.

Representative Grinde assumed the Chair at this time.

**HB 647** - Representative Bergsagel moved consideration of HB 647 be passed for the day. Motion carried.

**HB 655** - Representative Simon moved HB 655 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Foster, Galvin, Gervais, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 94

Noes: Bergsagel, Bird, Gilbert, Kasten.

Total 4

Voted Absentee: Bird, No.

Excused: None.

Total 0

Absent or not voting: Fisher, Pavlovich.

Total 2

Representative Simon resumed the Chair at this time.

**HB 657** - Representative Fisher moved HB 657 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Bergman, Boharski, Bohlinger, Brandewie, Brooke, Clark, Cocchiarella, Davis, Dolezal, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Gervais, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Larson, Mason, Menahan, Mills, Molnar, T. Nelson, Orr, Pavlovich, Peck, Peterson, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schye, Simon, Simpkins, Smith, Spring, Squires, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Wallin, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 77

Noes: Benedict, Bergsagel, Bird, Brown, Cobb, Daily, DeBruycker, Dowell, Feland, Galvin, Gilbert, Kasten, McCaffree, McCarthy, McCulloch, L. Nelson, Quilici, Rehbein, Schwinden, Stanford, Vogel, Wagner, Wanzenried.

Total 23

Voted Absentee: Bird, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 660** - Representative Peterson moved HB 660 do pass. Motion carried as follows:

Ayes: Anderson, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Bohlinger, Brandewie, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Grady, Grimes, Grinde, H.S. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, R. Johnson, Kadas, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 89

Noes: Bachini, Boharski, Cobb, DeBruycker, Feland, Gilbert, Hansen, M. Hanson, Kasten, Peck.

Total 10

Voted Absentee: Bird, Aye.

Excused: None.

Total 0

Absent or not voting: J. Johnson.

Total 1

**HB 663** - Representative Harper moved HB 663 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Russell, Ryan, Sayles, Schye, Simpkins, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 88

Noes: DeBruycker, Hayne, Rehbein, Smith, Spring, Winslow.

Total 6

Voted Absentee: Bird, Aye.

Excused: None.

Total 0

Absent or not voting: Fagg, Herron, Molnar, Rose, Schwinden, Simon.

Total 6

**HB 666** - Representative Gilbert moved HB 666, second reading copy, be amended as follows (amendment #1):

1. Page 4, line 22.

Strike: "1993"

Insert: "1995"

Amendment #1 passed as follows:

Ayes: Anderson, Barnett, Benedict, Bergman, Bohlinger, Brandewie, Brown, Clark, Daily, Dolezal, Ellis, Endy, Foster, Gilbert, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Hibbard, Keller, Knox, Mason, McCarthy, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peterson, Quilici, Raney, Rehbein, J. Rice, Sayles, Simon, Simpkins, Spring, Stovall, Strizich, Tash, Tunby, Vogel, Wagner, Wallin, Wiseman, Zook, Mr. Speaker.

Total 50

Noes: Bachini, Bardanouve, Barnhart, Bergsagel, Boharski, Brooke, Cobb, Davis, DeBruycker, Dowell, Driscoll, Ewer, Fagg, Feland, Fisher, Galvin, Gervais, Hansen, Harper, Harrington, Herron, J. Johnson, R. Johnson, Kadas, Kasten, Larson, McCaffree, McCulloch, Menahan, Peck, Ream, S.



Rice, Rose, Russell, Ryan, Schwinden, Schye, Smith, Squires, Stanford, Swanson, Toole, Tuss, Wanzenried, Whalen, Winslow, Wyatt.  
Total 47

Excused: Bird.  
Total 1

Absent or not voting: Cocchiarella, Elliott.  
Total 2

Representative Wanzenried moved HB 666, as amended, do not pass.

Representative Raney made a substitute motion HB 666 be placed at the bottom of the second reading board. Motion carried.

Representative Bird present at this time.

**HB 683** - Representative Fisher moved HB 683 do pass. Motion failed as follows:

Ayes: Anderson, Bardanouve, Barnett, Benedict, Bergman, Boharski, Bohlinger, Cobb, Ellis, Fagg, Fisher, Foster, Grady, H.S. Hanson, M. Hanson, Hayne, Herron, R. Johnson, Kadas, Kasten, Keller, Mason, Mills, Molnar, T. Nelson, Orr, Peterson, J. Rice, Rose, Sayles, Simon, Simpkins, Smith, Spring, Stovall, Tash, Wagner, Wallin, Winslow, Wiseman, Zook.  
Total 41

Noes: Bachini, Barnhart, Bergsagel, Bird, Brandewie, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Endy, Ewer, Feland, Galvin, Gervais, Gilbert, Grimes, Grinde, Hansen, Harper, Harrington, Hibbard, J. Johnson, Knox, Larson, McCaffree, McCarthy, McCulloch, Menahan, L. Nelson, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, S. Rice, Russell, Ryan, Schye, Squires, Stanford, Strizich, Swanson, Toole, Tunby, Tuss, Vogel, Wanzenried, Whalen, Wyatt, Mr. Speaker.  
Total 58

Excused: None.  
Total 0

Absent or not voting: Schwinden.  
Total 1

**HB 668** - Representative Bergsagel moved HB 668 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Daily, Davis, Dolezal, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Foster, Galvin, Gervais, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr,

Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 92

Noes: Cocchiarella, DeBruycker, Dowell, Feland, Gilbert.

Total 5

Excused: None.

Total 0

Absent or not voting: Fisher, Schwinden, Schye.

Total 3

**HB 674** - Representative Bergsagel moved HB 674 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Daily, Davis, Dolezal, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Mason, McCaffree, McCarthy, McCulloch, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Whalen, Winslow, Wiseman, Zook, Mr. Speaker.

Total 88

Noes: Cocchiarella, DeBruycker, Dowell, Driscoll, Larson, Menahan, Raney, Strizich, Wanzenried, Wyatt.

Total 10

Excused: None.

Total 0

Absent or not voting: Schwinden, Schye.

Total 2

**HB 675** - Representative Bergsagel moved HB 675 do pass. Motion carried as follows:

Ayes: Anderson, Bardanouve, Barnett, Benedict, Bergman, Bergsagel, Boharski, Clark, Cobb, DeBruycker, Ellis, Fagg, Fisher, Foster, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Herron, Hibbard, R. Johnson, Kadas, Kasten, Keller, Mason, Mills, L. Nelson, T. Nelson, Orr, Peck, Peterson, Rehbein, J. Rice, Rose, Sayles, Simon, Simpkins, Smith, Spring, Stovall, Tash, Tunby, Vogel, Wallin, Winslow, Wiseman, Zook, Mr. Speaker.

Total 50

Noes: Bachini, Barnhart, Bird, Bohlinger, Brandewie, Brooke, Brown, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Endy, Ewer, Feland, Galvin, Gervais, Gilbert, Hansen, Harper, Harrington, J. Johnson, Knox, Larson, McCaffree, McCarthy, McCulloch, Menahan, Molnar, Pavlovich, Quilici, Raney, Ream, S. Rice, Russell, Ryan, Schye, Squires, Stanford, Strizich, Swanson, Toole, Tuss, Wagner, Wanzenried, Whalen, Wyatt.

Total 49

Excused: None.

Total 0

Absent or not voting: Schwinden.

Total 1

**HB 2, HB 570, HB 517, HB 522, HB 198** - Representative Grinde moved consideration of HB 2, HB 570, HB 517, HB 522 and HB 198 be placed at the top of the second reading board. Motion carried.

Representative Grinde moved the House recess until 12:00 p.m. Motion carried.

House recessed at 11:00 a.m.

House reconvened at 12:05 p.m. Representative Simon in the Chair.

**HB 2** - Representative Grady moved to reopen debate on Section A of HB 2. Motion carried. (59-41)

Representative Grady moved the House reconsider its action on HB 2, Section A, amendment #23, taken on second reading on the 63rd legislative day.

Representative Driscoll made a substitute motion to postpone the motion to reconsider until the 68th legislative day.

Chairman Simon ruled that Representative Driscoll's motion was out of order. Representative Driscoll withdrew his motion.

Representative Grady withdrew his motion.

Representative Kadas moved the House reconsider its action on HB 2, Section A, amendment #23, taken on second reading on the 63rd legislative day. Motion carried. (66-32)

Mr. Speaker moved his original motion that HB 2, Section A, second reading copy, be further amended (amendment #23).

Mr. Speaker withdrew his motion.

Representative Zook moved HB 2, as amended, do pass. Motion carried as follows:

Ayes: Anderson, Bardanouve, Benedict, Bergman, Bird, Bohlinger, Brandewie, Clark, Driscoll, Elliott, Ellis, Ewer, Fagg, Feland, Fisher, Foster, Gilbert, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Herron, Hibbard, R. Johnson, Keller, Knox, Larson, Mason, Molnar, L. Nelson, T. Nelson, Orr, Peck, Peterson, J. Rice, S. Rice, Rose, Sayles, Schwinden, Simon, Simpkins, Spring, Stovall, Swanson, Tash, Toole, Tunby, Vogel, Wallin, Winslow, Wiseman, Zook, Mr. Speaker.

Total 55

Noes: Bachini, Barnett, Barnhart, Bergsagel, Boharski, Brooke, Brown, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Endy, Galvin, Gervais, Hansen, Harper, Harrington, J. Johnson, Kadas, Kasten, McCaffree, McCarthy, McCulloch, Menahan, Mills, Pavlovich, Quilici, Raney, Ream, Rehbein, Russell, Ryan, Schye, Smith, Squires, Stanford, Strizich, Tuss, Wagner, Wanzenried, Whalen, Wyatt.

Total 45

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Grinde moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman Simon moved the adoption of the committee report. Report adopted. (62-36)

### **SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)**

Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Simon in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 570** - Representative Grinde moved HB 570 do pass.

After a lengthy debate, Representative Pavlovich made a motion for cloture on HB 570. Motion carried as follows: (83-11)

Thereupon, HB 570 passed as follows:

Ayes: Anderson, Barnett, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Clark, Cobb, DeBruycker, Ellis, Fagg, Feland, Fisher, Foster, Gilbert, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Herron, Hibbard, R. Johnson, Kasten, Keller, Knox, Mason, Mills, Molnar, L. Nelson, T. Nelson, Orr, Peterson, Quilici, Rehbein, J. Rice, Rose, Sayles, Simon, Simpkins, Smith, Spring, Stovall, Tash, Tunby, Vogel, Wagner, Wallin, Winslow, Wiseman, Zook, Mr. Speaker.

Total 56



Noes: Bachini, Bardanouve, Barnhart, Brooke, Brown, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Endy, Ewer, Galvin, Gervais, Hansen, Harper, Harrington, J. Johnson, Kadas, Larson, McCaffree, McCarthy, McCulloch, Menahan, Pavlovich, Peck, Raney, Ream, S. Rice, Russell, Ryan, Schwinden, Schye, Squires, Stanford, Strizich, Swanson, Toole, Tuss, Wanzenried, Whalen, Wyatt.

Total 44

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 517** - Representative Cocchiarella moved HB 517, second reading copy, be amended as follows (amendment #1):

1. Title, line 14.

Following: "DATE"

Insert: "AND A RETROACTIVE APPLICABILITY DATE"

2. Page 3, line 2.

Strike: "(3)"

Insert: "(4)"

3. Page 3.

Following: line 18

Insert: "(3) An active member who is involuntarily terminated on or after March 1, 1993, but before June 25, 1993, and who, if the member had not been terminated, would have been eligible under subsection (1) for the retirement incentive is entitled to the retirement incentive under subsection (2) if the member was, at the time of termination, eligible for normal service retirement under 19-3-901 or early retirement under 19-3-902 and retires on or after June 25, 1993."

Renumber: subsequent subsections

4. Page 3, line 25.

Strike: "(4)"

Insert: "(5)"

5. Page 5.

Following: line 4

Insert: "NEW SECTION. Section 3. Retroactive applicability. [This act] applies retroactively, within the meaning of 1-2-109, to occurrences on or after March 1, 1993."

Renumber: subsequent sections

Amendment #1 passed as follows:

Ayes: Anderson, Bachini, Barnett, Barnhart, Benedict, Bergman, Bird, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer,

Fagg, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 91

Noes: Bergsagel, Kasten, Rehbein, Wagner.  
Total 4

Excused: None.  
Total 0

Absent or not voting: Bardanouve, Boharski, Feland, Grinde, Schwinden.  
Total 5

Representative Harper moved HB 517, as amended, do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Barnett, Barnhart, Benedict, Bergman, Bird, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Grady, Grimes, Grinde, Hansen, H.S. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 90

Noes: Bergsagel, Gilbert, M. Hanson, Kasten, Rehbein, Wagner.  
Total 6

Excused: None.  
Total 0

Absent or not voting: Bardanouve, Boharski, Feland, Schwinden.  
Total 4

**HB 522** - Representative Squires moved HB 522 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Grady, Grimes, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree,

McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schye, Simon, Simpkins, Smith, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wallin, Wanzenried, Whalen, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 88

Noes: Bergsagel, Boharski, DeBruycker, Feland, Gilbert, Rehbein, Spring, Wagner, Winslow.

Total 9

Excused: None.

Total 0

Absent or not voting: Bohlinger, Grinde, Schwinden.

Total 3

**HB 198** - Representative Cocchiarella moved HB 198, second reading copy, be amended (amendment #1).

Representative Cocchiarella withdrew her motion.

Representative Cocchiarella moved HB 198, second reading copy, be amended (amendment #2). Amendment #2 failed as follows: (35-63)

Representative Ewer moved HB 198, second reading copy, be amended (amendment #3). Amendment #3 failed as follows: (48-50)

Representative Menahan moved HB 198, second reading copy, be amended (amendment #4). Amendment #4 failed as follows: (37-55)

Representative Cocchiarella moved HB 198, second reading copy, be amended (amendment #5). Amendment #5 failed as follows: (44-51)

Representative McCulloch moved HB 198, second reading copy, be amended as follows (amendment #6):

1. Page 5, line 25 through page 6, line 1.

Strike: "the" on line 25, page 5 through "1993" on page 6, line 1

Insert: "years of experience"

2. Page 6, line 2.

Strike: "The compensation of each teacher on"

Insert: "On"

3. Page 6, lines 5 through 7.

Strike: "in" on line 5 through "1994" on line 7

Insert: "of each fiscal year, each teacher shall advance one step on the appropriate pay schedule adopted in 2-18-313"

4. Page 30, line 9.

Strike: "905,094"

Insert: "963,220"

Strike: "1,794,223"

Insert: "1,910,475"

Explanation:

1. Teachers advance one step in each year of the biennium
2. Cost to general fund is an additional \$58,126 in FY 1994 and \$116,252 in FY 1995 (Amendment no. 4)

Amendment #6 passed as follows:

Ayes: Bachini, Barnhart, Bergman, Bird, Brooke, Brown, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Endy, Ewer, Galvin, Gervais, Grady, Harper, Harrington, Hibbard, J. Johnson, Larson, McCaffree, McCarthy, McCulloch, Menahan, Pavlovich, Peck, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Schwinden, Schye, Simon, Simpkins, Smith, Squires, Stanford, Strizich, Swanson, Toole, Tunby, Tuss, Wanzenried, Whalen, Wiseman, Wyatt.

Total 53

Noes: Anderson, Barnett, Benedict, Bergsagel, Boharski, Bohlinger, Brandewie, Clark, Cobb, DeBruycker, Ellis, Fagg, Feland, Fisher, Foster, Gilbert, Grinde, M. Hanson, Hayne, Herron, R. Johnson, Kadas, Kasten, Keller, Knox, Mason, Mills, Molnar, L. Nelson, Orr, Peterson, Rehbein, Sayles, Spring, Tash, Vogel, Wagner, Wallin, Winslow, Mr. Speaker.

Total 40

Excused: None.

Total 0

Absent or not voting: Bardanouve, Grimes, Hansen, H.S. Hanson, T. Nelson, Stovall, Zook.

Total 7

Representative Ewer moved the House reconsider its action on HB 198, amendment #3, taken on second reading this legislative day. Motion failed. (46-52)

Representative Peterson moved HB 198, as amended, do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Bergman, Bergsagel, Bird, Boharski, Brandewie, Brooke, Clark, Cobb, Dowell, Elliott, Ewer, Fagg, Fisher, Foster, Gilbert, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Harper, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Mason, Mills, Molnar, L. Nelson, T. Nelson, Orr, Peck, Peterson, Raney, Rehbein, J. Rice, S. Rice, Rose, Russell, Simon, Simpkins, Smith, Spring, Stanford, Stovall, Swanson, Tash, Toole, Tunby, Vogel, Wagner, Wallin, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 66

Noes: Barnhart, Benedict, Bohlinger, Brown, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Driscoll, Endy, Feland, Galvin, Gervais, Harrington,



Larson, McCaffree, McCarthy, McCulloch, Menahan, Quilici, Ryan, Schwinden, Schye, Squires, Strizich, Tuss, Wanzenried, Whalen.  
Total 29

Excused: None.  
Total 0

Absent or not voting: Ellis, Hansen, Pavlovich, Ream, Sayles.  
Total 5

**HB 677** - Representative R. Johnson moved HB 677 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Barnett, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Clark, Cobb, Elliott, Ellis, Fagg, Fisher, Foster, Galvin, Grimes, Grinde, Hansen, H.S. Hanson, Hayne, Herron, Hibbard, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, Mills, Molnar, T. Nelson, Peck, Peterson, Raney, J. Rice, Rose, Russell, Simon, Simpkins, Spring, Squires, Stovall, Swanson, Tash, Toole, Tunby, Vogel, Wallin, Winslow, Wiseman, Zook, Mr. Speaker.  
Total 57

Noes: Bardanouve, Barnhart, Brown, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Endy, Ewer, Feland, Gervais, Gilbert, M. Hanson, Harper, Harrington, J. Johnson, McCaffree, McCarthy, McCulloch, Menahan, L. Nelson, Orr, Pavlovich, Quilici, Ream, Rehbein, Ryan, Sayles, Schwinden, Schye, Smith, Stanford, Tuss, Wagner, Wanzenried, Whalen, Wyatt.  
Total 40

Excused: None.  
Total 0

Absent or not voting: Grady, S. Rice, Strizich.  
Total 3

**HB 678** - Representative Kasten moved HB 678 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Davis, DeBruycker, Dolezal, Elliott, Ellis, Endy, Fagg, Feland, Fisher, Foster, Galvin, Gilbert, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Harrington, Hayne, Herron, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Peck, Peterson, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stovall, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Whalen, Winslow, Wiseman, Zook, Mr. Speaker.  
Total 81

Noes: Daily, Dowell, Driscoll, Ewer, Gervais, Hansen, Harper, McCarthy, Pavlovich, Quilici, Raney, Stanford, Wanzenried, Wyatt.

Total 14

Excused: None.

Total 0

Absent or not voting: Cocchiarella, Hibbard, McCaffree, McCulloch, Strizich.

Total 5

**HJR 18** - Representative S. Rice moved HJR 18 do pass. Motion carried as follows:

Ayes: Anderson, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 90

Noes: Bachini, Bohlinger, DeBruycker, Feland, Hayne, Kasten, Spring.

Total 7

Excused: None.

Total 0

Absent or not voting: Grinde, Herron, Wagner.

Total 3

**HJR 24** - Representative Hibbard moved HJR 24 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 96

Noes: DeBruycker, Feland, Orr.

Total 3

Excused: None.

Total 0

Absent or not voting: Elliott.

Total 1

**HB 12** - Representative Bardanouve moved consideration of HB 12 be placed below HB 6 on the second reading board. Motion carried.

**HB 6** - Representative Elliott moved HB 6, second reading copy, be amended as follows (amendment #1):

1. Page 6.

Following: line 7

Insert: "TOWN OF HOT SPRINGS

Camas Therapy Center

150,000"

[grant]

2. Page 7, lines 21 and 22.

Strike: lines 21 and 22 in their entirety

Amendment #1 passed as follows:

Ayes: Anderson, Benedict, Bird, Brooke, Brown, Cocchiarella, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Harper, Harrington, Herron, Hibbard, J. Johnson, Kadas, Larson, Mason, McCaffree, McCulloch, T. Nelson, Orr, Peterson, Raney, Ream, S. Rice, Rose, Russell, Ryan, Sayles, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Toole, Tuss, Wanzenried, Winslow, Wiseman, Wyatt, Mr. Speaker.

Total 53

Noes: Bachini, Bardanouve, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Clark, Cobb, Daily, Ellis, Endy, Gilbert, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Kasten, Keller, Knox, McCarthy, Mills, Molnar, L. Nelson, Pavlovich, Peck, Quilici, Rehbein, J. Rice, Schwinden, Schye, Simon, Tash, Tunby, Vogel, Wagner, Wallin, Whalen, Zook.

Total 41

Excused: None.

Total 0

Absent or not voting: Bohlinger, Brandewie, Feland, Hansen, R. Johnson, Menahan.

Total 6

Representative Bardanouve moved HB 6, as amended, do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J.

Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 93

Noes: Brown, DeBruycker, Dowell, Driscoll, Feland, Raney.  
Total 6

Excused: None.  
Total 0

Absent or not voting: Hansen.  
Total 1

**HB 12** - Representative Bardanoue moved HB 12 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanoue, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Clark, Cobb, Daily, Davis, DeBruycker, Dolezal, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gilbert, Grady, Grimes, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Ream, Rehbein, J. Rice, Rose, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 89

Noes: Brown, Cocchiarella, Dowell, Driscoll, Gervais, Grinde, Molnar, Raney, S. Rice, Russell, Strizich.  
Total 11

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 11** - Representative R. Johnson moved HB 11 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanoue, Barnett, Barnhart, Benedict, Bergman, Boharski, Bohlinger, Brandewie, Brooke, Cobb, Daily, Elliott, Ellis, Endy, Fagg, Fisher, Foster, Galvin, Grimes, Hansen, H.S. Hanson, M. Hanson, Harrington, Hibbard, J. Johnson, R. Johnson, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Quilici, Ream, Rehbein, J. Rice, S. Rice,



Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Stovall, Swanson, Tash, Toole, Tunby, Vogel, Wallin, Wanzenried, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 69

Noes: Bergsagel, Bird, Brown, Clark, Cocchiarella, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Feland, Gervais, Gilbert, Harper, Hayne, Kadas, Kasten, Menahan, Peterson, Raney, Strizich, Tuss, Wagner, Whalen.

Total 24

Excused: None.

Total 0

Absent or not voting: Ewer, Grady, Grinde, Herron, Spring, Squires, Stanford.

Total 7

**HB 563** - Representative Swanson moved HB 563 do pass. Motion carried as follows:

Ayes: Anderson, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Bohlinger, Brandewie, Brooke, Brown, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Elliott, Ellis, Endy, Ewer, Fagg, Foster, Galvin, Gervais, Gilbert, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Pavlovich, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 80

Noes: Bachini, Bergsagel, Boharski, Clark, DeBruycker, Driscoll, Feland, Fisher, Harrington, Hayne, Herron, Kasten, Orr, Peck, Peterson, Rehbein, Sayles, Vogel, Wagner.

Total 19

Excused: None.

Total 0

Absent or not voting: Grady.

Total 1

**HB 608** - Representative Bergsagel moved HB 608, second reading copy, be amended as follows (amendment #1):

1. Title, line 8.

Following: "ACT"

Insert: "ALLOCATING A PORTION OF THE RESOURCE INDEMNITY TAX PROCEEDS;"

2. Title, line 19.

Following: "~~15-38-106,~~"

Insert: "15-38-106,"

3. Title, line 25.

Following: "~~90-2-1104~~,"

Insert: "90-2-1104,"

4. Page 4.

Following: line 6

Insert: "Resource indemnity tax proceeds are allocated to the renewable resource grant and loan program and the reclamation and development grants state special revenue accounts. This will assure funding for the operation of state natural resource agencies."

5. Page 6.

Following: line 18

Insert: "Section 1. Section 15-38-106, MCA, is amended to read:

"15-38-106. (Temporary) Payment of tax -- records -- collection of taxes -- refunds. (1) The tax imposed by this chapter shall be paid by each person to which the tax applies, on or before March 31, on the value of product in the year preceding January 1 of the year in which the tax is paid. The tax shall be paid to the department at the time the statement of yield for the preceding calendar year is filed with the department.

(2) The department shall deposit the proceeds of the tax in the resource indemnity trust fund of the nonexpendable trust fund type. Every person to whom the tax applies shall keep records in accordance with 15-38-105, and the records are subject to inspection by the department upon reasonable notice during normal business hours.

(3) The department shall examine the statement and compute the taxes thereon, and the amount computed by the department shall be the taxes imposed, assessed against, and payable by the taxpayer. If the tax found to be due is greater than the amount paid, the excess shall be paid by the taxpayer to the department within 30 days after written notice of the amount of deficiency is mailed by the department to the taxpayer. If the tax imposed is less than the amount paid, the difference must be applied as a tax credit against tax liability for subsequent years or refunded if requested by the taxpayer.

15-38-106. (Effective July 1, 1993) Payment of tax -- records -- collection of taxes -- refunds. (1) The tax imposed by this chapter ~~shall~~ must be paid by each person to which the tax applies, on or before March 31, on the value of product in the year preceding January 1 of the year in which the tax is paid. The tax ~~shall~~ must be paid to the department at the time the statement of yield for the preceding calendar year is filed with the department.

(2) The department shall deposit the proceeds of the tax in the resource indemnity trust fund of the nonexpendable trust fund type, except that:

[a] 14.1% of the proceeds must be deposited in the ground water assessment account established by 85-2-905;

(b) 20% of the proceeds must be deposited in the renewable resource grant and loan program state special revenue account established by 85-1-604; and

(c) 20% of the proceeds must be deposited in the reclamation and development grants account established by 90-2-1104.

(3) Every person to whom the tax applies shall keep records in accordance with 15-38-105, and the records are subject to inspection by the department upon reasonable notice during normal business hours.

(3)(4) The department shall examine the statement and compute the taxes thereon, and the amount computed by the department shall must be the taxes imposed, assessed against, and payable by the taxpayer. If the tax found to be due is greater than the amount paid, the excess shall must be paid by the taxpayer to the department within 30 days after written notice of the amount of deficiency is mailed by the department to the taxpayer. If the tax imposed is less than the amount paid, the difference must be applied as a tax credit against tax liability for subsequent years or refunded if requested by the taxpayer."

Renumber: subsequent sections

6. Page 54.

Following: line 25

Insert: "Section 32. Section 90-2-1104, MCA, is amended to read:

"90-2-1104. Reclamation and development grants account. (1) There is a reclamation and development grants special revenue account within the state special revenue fund established in 17-2-102.

(2) There must be paid into the reclamation and development grants account money allocated from:

(a) the interest income of the resource indemnity trust fund under the provisions of 15-38-202; and

(b) the resource indemnity trust tax under the provisions of 15-38-106.

(3) Appropriations may be made from the reclamation and development grants account for the following purposes:

(a) grants for designated projects; and

(b) administrative expenses, including the salaries and expenses of personnel, equipment, office space, and other expenses necessarily incurred in the administration of the grants program. These expenses may be funded prior to funding of projects."

Renumber: subsequent sections

7. Page 65, line 5.

Following: "2"

Insert: "2"

Strike: "3"

Insert: "4"

Strike: "33"

Insert: "35"

8. Page 65, line 7.

Strike: "2"

Insert: "3"

Amendment #1 passed as follows:

Ayes: Anderson, Bachini, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Gilbert, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Herron, Hibbard, J. Johnson, R. Johnson, Kasten, Keller, Knox, Larson, Mason, McCarthy, Mills, Molnar, L. Nelson, T. Nelson, Orr, Peck, Peterson, Rehbein, J. Rice, Rose, Simon, Simpkins, Smith, Spring, Stovall, Swanson, Tash, Tunby, Wagner, Wallin, Wanzenried, Winslow, Wiseman, Zook, Mr. Speaker.

Total 64

Noes: Bardanouve, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Galvin, Gervais, Hansen, Harper, Harrington, Hayne, Kadas, McCaffree, McCulloch, Menahan, Pavlovich, Quilici, Raney, Ream, S. Rice, Russell, Ryan, Sayles, Schwinden, Schye, Squires, Stanford, Strizich, Toole, Tuss, Vogel, Whalen, Wyatt.

Total 36

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Gilbert moved HB 608, second reading copy, be further amended as follows (amendment #2):

1. Title, page 2, line 5.

Strike: "AND"

Following: "DATES"

Insert: "; AND PROVIDING A TERMINATION DATE"

2. Page 5, line 23.

Strike: "20%"

Insert: "15%"

3. Page 6, line 1.

Strike: "20%"

Insert: "15%"

4. Page 6.

Following: line 18

Insert: " Section 2. Section 15-38-106, MCA, is amended to read:

"15-38-106. (Temporary) Payment of tax -- records -- collection of taxes -- refunds. (1) The tax imposed by this chapter shall be paid by each person to which the tax applies, on or before March 31, on the value of product in the year preceding January 1 of the year in which the tax is paid. The tax shall be paid to the



department at the time the statement of yield for the preceding calendar year is filed with the department.

(2) The department shall deposit the proceeds of the tax in the resource indemnity trust fund of the nonexpendable trust fund type. Every person to whom the tax applies shall keep records in accordance with 15-38-105, and the records are subject to inspection by the department upon reasonable notice during normal business hours.

(3) The department shall examine the statement and compute the taxes thereon, and the amount computed by the department shall be the taxes imposed, assessed against, and payable by the taxpayer. If the tax found to be due is greater than the amount paid, the excess shall be paid by the taxpayer to the department within 30 days after written notice of the amount of deficiency is mailed by the department to the taxpayer. If the tax imposed is less than the amount paid, the difference must be applied as a tax credit against tax liability for subsequent years or refunded if requested by the taxpayer.

15-38-106. (Effective July 1, 1993) Payment of tax -- records -- collection of taxes -- refunds. (1) The tax imposed by this chapter ~~shall~~ must be paid by each person to which the tax applies, on or before March 31, on the value of product in the year preceding January 1 of the year in which the tax is paid. The tax ~~shall~~ must be paid to the department at the time the statement of yield for the preceding calendar year is filed with the department.

(2) The department shall deposit the proceeds of the tax in the resource indemnity trust fund of the nonexpendable trust fund type, except that:

(a) 14.1% of the proceeds must be deposited in the ground water assessment account established by 85-2-905;

(b) 10% of the proceeds must be deposited in the renewable resource grant and loan program state special revenue account established by 85-1-604; and

(c) 30% of the proceeds must be deposited in the reclamation and development grants account established by 90-2-1104.

(3) Every person to whom the tax applies shall keep records in accordance with 15-38-105, and the records are subject to inspection by the department upon reasonable notice during normal business hours.

(3)(4) The department shall examine the statement and compute the taxes thereon, and the amount computed by the department ~~shall~~ must be the taxes imposed, assessed against, and payable by the taxpayer. If the tax found to be due is greater than the amount paid, the excess ~~shall~~ must be paid by the taxpayer to the department within 30 days after written notice of the amount of deficiency is mailed by the department to the taxpayer. If the tax imposed is less than the amount paid, the difference must be applied as a tax credit against tax liability for subsequent years or refunded if requested by the taxpayer.""

Renumber: subsequent sections

Strike: "\$1,600,000"

Insert: "\$1,025,000"

6. Page 7, line 21.

Strike: "\$2,400,000"

Insert: "\$2,200,000"

7. Page 8, line 3.

Strike: "\$400,000"

Insert: "\$250,000"

8. Page 8, line 14.

Strike: "SIXTEEN"

Insert: "Fourteen and one-half"

9. Page 8, line 22.

Strike: "FORTY"

Insert: "Forty-two and one-half"

10. Page 9, line 1.

Strike: "SIX"

Insert: "Five"

11. Page 65, line 5.

Strike: "2" through "35"

Insert: "3, and 5 through 36"

12. Page 65, line 7.

Strike: "Section 3"

Insert: "Sections 2 and 4"

Strike: "is"

Insert: "are"

13. Page 65.

Following: line 7

Insert: "NEW SECTION. Section 37. Termination. [Section 1] terminates June 30, 1995."

Amendment #2 passed as follows:

Ayes: Bachini, Barnett, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brown, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Gilbert, Grady, Grimes, H.S. Hanson, M. Hanson, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Keller, Knox, Mason, McCarthy, Mills, Molnar, L. Nelson, T. Nelson, Orr, Peck, Peterson, Quilici, Rose, Simon, Simpkins, Smith, Spring, Stovall, Swanson, Tash, Tunby, Vogel, Wagner, Wallin, Winslow, Wiseman, Zook, Mr. Speaker.  
Total 57

Noes: Anderson, Bardanouve, Barnhart, Brooke, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Galvin, Gervais, Grinde, Hansen, Harper, Kadas, Kasten, Larson, McCaffree, McCulloch, Menahan, Pavlovich, Raney, Ream, Rehbein, J. Rice, Russell, Ryan, Sayles,

Schwinden, Schye, Squires, Stanford, Strizich, Toole, Tuss, Wanzenried, Whalen, Wyatt.

Total 42

Excused: None.

Total 0

Absent or not voting: S. Rice.

Total 1

Representative Bergsagel moved HB 608, as amended, do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Barnett, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brown, Clark, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Gilbert, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kasten, Keller, Knox, Mason, McCarthy, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Peck, Peterson, Quilici, Rehbein, Rose, Simon, Simpkins, Spring, Stovall, Swanson, Tash, Tunby, Vogel, Wagner, Wallin, Winslow, Wiseman, Zook, Mr. Speaker.

Total 62

Noes: Bardanouve, Barnhart, Brooke, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Galvin, Gervais, Hansen, Harper, Kadas, Larson, McCaffree, McCulloch, Pavlovich, Raney, Ream, J. Rice, S. Rice, Russell, Ryan, Sayles, Schwinden, Schye, Squires, Stanford, Strizich, Toole, Tuss, Whalen, Wyatt.

Total 36

Excused: None.

Total 0

Absent or not voting: Smith, Wanzenried.

Total 2

Representative Grinde moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman Simon moved the adoption of the committee report. Report adopted. (67-32)

### REPORTS OF STANDING COMMITTEES

BILLS (Hayne, Chairman):

3/23/93

Correctly printed for second reading: HB 13, HB 388, HB 622, HB 628, HB 669.

Delivered to the Governor for his approval at 10:55 a.m., 3/23/93: HB 50, HB 66, HB 68, HB 82, HB 98, HB 110, HB 112, HB 123, HB 129, HB 133, HB 153, HB 164, HB 187, HB 213.

JUDICIARY (Fagg, Chairman):

3/23/93

**SB 252**, third reading copy, be concurred in. Report adopted.

**MOTIONS**

Representative Bergsagel moved HB 9 be taken from engrossing and placed on second reading. Motion carried.

Representative Clark moved he be allowed to change his vote on HB 677, second reading, from aye to no. Motion carried.

Representative Raney moved HB 642 be taken from third reading and placed back on second reading for the purpose of amendment. Motion carried.

Representative Brown moved the rules be suspended to allow his name to be removed as sponsor of HB 643. Representative Gilbert agreed to be the sponsor of HB 643. Motion carried.

Representative Rose moved he be allowed to change his vote on HB 677, second reading, from aye to no. Motion carried.

Representative Grinde moved the House dissolve the conference committee on Senate amendments to HB 169 and the Speaker be authorized to appoint a free conference committee to meet with a like committee from the Senate to confer on HB 169. Motion carried.

Mr. Speaker appointed the following members:

Representative Whalen, Chairman  
Representative Ewer  
Representative Vogel

**ANNOUNCEMENTS**

Committee meetings were announced by committee chairmen.

Representative Grinde moved the House adjourn until 11:00 a.m., Wednesday, March 24, 1993. Motion carried.

House adjourned at 6:05 p.m.

John Mercer, Speaker

Marilyn Miller, Chief Clerk





## SIXTY-SIXTH LEGISLATIVE DAY

Helena, Montana  
March 24, 1993

House Chambers  
State Capitol

House convened at 11:00 a.m. Mr. Speaker in the Chair. Invocation by Reverend Wayne Fisher. Pledge of Allegiance to the Flag.

Roll call. All members present except Feland, Whalen, excused. Quorum present.

### REPORTS OF STANDING COMMITTEES

BILLS (Hayne, Chairman): 3/24/93

Correctly engrossed for third reading: HB 2, HB 9, HB 97, HB 146, HB 198, HB 314, HB 333, HB 430, HB 517, HB 522, HB 529, HB 537, HB 549, HB 570, HB 585, HB 591, HB 601, HB 609, HB 655, HB 657, HB 660, HB 663, HB 668, HB 671, HB 674, HB 675, HB 677.

Correctly enrolled: HB 171, HB 279, HB 363, HB 364, HB 371, HB 381, HB 414, HB 417, HB 432, HB 490, HB 499, HB 538, HB 595, HB 621, HJR 10, HJR 11, HJR 16, HJR 20, HJR 23.

Examined by the sponsor and found to be correct:

HB 171 - M. Hanson  
HB 363 - J. Rice  
HB 364 - Mercer  
HB 371 - L. Nelson  
HB 381 - Ryan  
HB 414 - Keller  
HB 417 - Tunby  
HB 432 - Smith  
HB 538 - Foster  
HB 595 - Harper  
HB 621 - Elliott  
HJR 10 - Gervais  
HJR 11 - Daily  
HJR 16 - Quilici  
HJR 20 - Knox  
HJR 23 - Gervais

Signed by the Speaker at 5:00 p.m., March 23, 1993: HB 279, HB 490, HB 499, HB 573.

### MESSAGES FROM THE SENATE

House bills concurred in and returned to the House: 3/23/93

**HB 232**, introduced by Clark

**HB 336**, introduced by Bird

**HB 349**, introduced by Ryan

House amendments to Senate bill concurred in: 3/23/93

**SB 120**, introduced by Franklin

Representative Grinde moved the House recess until 11:45 a.m. Motion carried.

House recessed at 11:08 a.m.

House reconvened at 11:48 a.m. Mr. Speaker in the Chair.

Representatives Feland and Whalen present at this time.

### THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 2** passed as follows:

Ayes: Anderson, Bardanouve, Benedict, Bergman, Bird, Bohlinger, Brandewie, Clark, Driscoll, Elliott, Ellis, Ewer, Fagg, Feland, Fisher, Foster, Gilbert, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Herron, Hibbard, R. Johnson, Keller, Knox, Mason, Mills, Molnar, L. Nelson, T. Nelson, Orr, Peterson, J. Rice, S. Rice, Rose, Sayles, Schwinden, Simon, Simpkins, Spring, Stovall, Swanson, Tash, Toole, Tunby, Vogel, Wallin, Winslow, Wiseman, Zook, Mr. Speaker.

Total 54

Noes: Bachini, Barnett, Barnhart, Bergsagel, Boharski, Brooke, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Endy, Galvin, Gervais, Hansen, Harper, Harrington, J. Johnson, Kadas, Kasten, Larson, McCaffree, McCarthy, McCulloch, Menahan, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Russell, Ryan, Schye, Smith, Squires, Stanford, Strizich, Tuss, Wagner, Wanzenried, Whalen, Wyatt.

Total 45

Excused: None.

Total 0

Absent or not voting: Brown.

Total 1

**HB 3** passed as follows:

Ayes: Anderson, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Bohlinger, Brandewie, Clark, Cobb, Cocchiarella, Davis, Elliott, Ellis, Ewer, Fagg, Feland, Fisher, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Harper, Hayne, Herron, Hibbard, R. Johnson, Kadas, Keller, Knox, Larson, Mason, McCarthy, Mills, L. Nelson, T. Nelson, Orr, Peterson, Quilici, Raney, Rehbein, J. Rice, S. Rice, Rose, Russell, Simon, Simpkins, Spring, Squires, Stovall, Swanson, Tash, Toole, Tunby, Wagner, Wallin, Winslow, Wiseman, Zook, Mr. Speaker.

Total 62

Noes: Bachini, Bergsagel, Boharski, Brooke, Brown, Daily, DeBruycker, Dolezal, Dowell, Driscoll, Endy, Foster, Galvin, Gervais, Gilbert, Hansen, Harrington, J. Johnson, Kasten, McCaffree, McCulloch, Menahan, Molnar, Pavlovich, Peck, Ream, Ryan, Schwinden, Schye, Smith, Stanford, Strizich, Tuss, Vogel, Wanzenried, Whalen, Wyatt.

Total 37

Excused: None.

Total 0

Absent or not voting: Sayles.

Total 1

**HB 4** passed as follows:

Ayes: Anderson, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Clark, Cocchiarella, Daily, Davis, Dolezal, Elliott, Ellis, Endy, Fagg, Feland, Fisher, Foster, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Larson, Mason, McCaffree, McCarthy, Mills, L. Nelson, T. Nelson, Orr, Pavlovich, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stovall, Swanson, Tash, Toole, Tunby, Vogel, Wagner, Wallin, Whalen, Winslow, Wiseman, Zook, Mr. Speaker.

Total 78

Noes: Bachini, Bergsagel, Brown, Cobb, DeBruycker, Dowell, Driscoll, Ewer, Galvin, Gervais, Harper, Kasten, McCulloch, Menahan, Molnar, Peck, Ryan, Stanford, Strizich, Tuss, Wanzenried, Wyatt.

Total 22

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 5** passed as follows:

Ayes: Anderson, Bachini, Barnett, Benedict, Bergman, Bergsagel, Bird, Boharski, Brandewie, Brown, Clark, Cobb, Daily, DeBruycker, Ellis, Fagg, Feland, Fisher, Foster, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, R. Johnson, Kasten, Keller, Knox, Larson, Mason, McCarthy, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peterson, Quilici, Rehbein, J. Rice, Rose, Sayles, Simpkins, Smith, Spring, Stovall, Tash, Tunby, Wagner, Winslow, Wiseman, Zook, Mr. Speaker.

Total 59

Noes: Bardanouve, Barnhart, Bohlinger, Brooke, Cocchiarella, Davis, Dolezal, Dowell, Driscoll, Elliott, Endy, Ewer, Galvin, Gervais, Gilbert, Hansen, J. Johnson, Kadas, McCaffree, McCulloch, Menahan, Peck, Raney, Ream, S. Rice, Russell, Ryan, Schwinden, Schye, Simon, Squires, Stanford, Strizich, Swanson, Toole, Tuss, Vogel, Wallin, Wanzenried, Whalen, Wyatt.

Total 41

Excused: None.



Total 0

Absent or not voting: None.

Total 0

**HB 6** passed as follows:

Ayes: Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Clark, Cobb, Daily, Davis, Dolezal, Dowell, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gilbert, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, Menahan, Mills, Molnar, L. Nelson, Orr, Pavlovich, Peck, Quilici, Ream, Rehbein, J. Rice, S. Rice, Rose, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Winslow, Wiseman, Zook, Mr. Speaker.  
Total 83

Noes: Brown, Cocchiarella, DeBruycker, Driscoll, Gervais, Harper, McCulloch, T. Nelson, Peterson, Raney, Russell, Strizich, Wanzenried, Whalen, Wyatt.  
Total 15

Excused: None.

Total 0

Absent or not voting: Anderson, Grady.

Total 2

**HB 7** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brooke, Brown, Clark, Cobb, Daily, Dolezal, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Gilbert, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Harper, Harrington, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCulloch, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Quilici, Ream, Rehbein, J. Rice, S. Rice, Rose, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Swanson, Tash, Toole, Tunby, Vogel, Wagner, Wallin, Wanzenried, Winslow, Wiseman, Zook, Mr. Speaker.  
Total 79

Noes: Cocchiarella, Davis, DeBruycker, Dowell, Driscoll, Galvin, Gervais, Hansen, Hayne, Herron, McCarthy, Menahan, Peck, Peterson, Raney, Russell, Strizich, Tuss, Whalen, Wyatt.  
Total 20

Excused: None.

Total 0

Absent or not voting: Brandewie.

Total 1

**HB 10** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Daily, Davis, Dolezal, Driscoll, Elliott, Ellis, Endy, Fagg, Fisher, Foster, Galvin, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCarthy, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Quilici, Ream, Rehbein, J. Rice, S. Rice, Rose, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stovall, Swanson, Tash, Toole, Tunby, Vogel, Wagner, Wallin, Wanzenried, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 83

Noes: Cocchiarella, DeBruycker, Dowell, Ewer, Feland, Gervais, Gilbert, McCaffree, McCulloch, Peterson, Raney, Russell, Stanford, Strizich, Tuss, Whalen.  
Total 16

Excused: None.  
Total 0

Absent or not voting: Grady.  
Total 1

**HB 11** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Boharski, Bohlinger, Brandewie, Brooke, Cobb, Daily, Davis, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harrington, Hibbard, J. Johnson, R. Johnson, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stovall, Swanson, Tash, Tunby, Vogel, Wallin, Wanzenried, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 77

Noes: Bergsagel, Bird, Brown, Clark, Cocchiarella, DeBruycker, Dolezal, Dowell, Driscoll, Gervais, Gilbert, Harper, Hayne, Herron, Kadas, Kasten, Peterson, Stanford, Strizich, Toole, Tuss, Wagner, Whalen.  
Total 23

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 12** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Clark, Cobb, Daily, Davis, Dolezal, Dowell, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, Menahan, Mills, Molnar, L. Nelson, Orr, Pavlovich, Quilici, Ream, Rehbein, J. Rice, S. Rice, Rose, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 84

Noes: Brown, Cocchiarella, DeBruycker, Driscoll, Feland, Gervais, Harrington, McCulloch, T. Nelson, Peck, Peterson, Raney, Russell, Ryan, Strizich, Whalen.  
Total 16

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 97** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 99

Noes: Peck.  
Total 1

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 146** passed as follows:

Ayes: Anderson, Bachini, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Clark, Cobb, Cocchiarella,

Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Ryan, Sayles, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 94

Noes: Bardanouve, Brown, Schwinden, Schye, Winslow.  
Total 5

Excused: None.  
Total 0

Absent or not voting: Russell.  
Total 1

**HB 198** passed as follows:

Ayes: Anderson, Bardanouve, Barnett, Bergman, Bergsagel, Boharski, Bohlinger, Brandewie, Brooke, Clark, Cobb, Elliott, Ellis, Ewer, Fagg, Feland, Fisher, Foster, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Hayne, Herron, Hibbard, R. Johnson, Kadas, Kasten, Keller, Knox, Mason, McCaffree, Mills, Molnar, L. Nelson, T. Nelson, Orr, Peterson, Raney, Ream, Rehbein, J. Rice, Rose, Simon, Simpkins, Smith, Spring, Stovall, Swanson, Tash, Tunby, Vogel, Wallin, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 60

Noes: Bachini, Barnhart, Benedict, Bird, Brown, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Endy, Galvin, Gervais, Gilbert, Harper, Harrington, J. Johnson, Larson, McCarthy, McCulloch, Menahan, Pavlovich, Peck, Quilici, S. Rice, Russell, Ryan, Sayles, Schwinden, Schye, Squires, Stanford, Strizich, Toole, Tuss, Wagner, Wanzenried, Whalen.  
Total 40

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 314** passed as follows:

Ayes: Anderson, Bardanouve, Barnhart, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Grady, Grinde, Hansen, H.S. Hanson, Harper, Harrington, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Larson, McCaffree,



McCarthy, McCulloch, Menahan, Molnar, L. Nelson, T. Nelson, Pavlovich, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Russell, Ryan, Schwinden, Schye, Simon, Simpkins, Smith, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Wanzenried, Whalen, Wyatt, Zook, Mr. Speaker.

Total 74

Noes: Bachini, Barnett, Benedict, Bergman, Bergsagel, Clark, DeBruycker, Gilbert, Grimes, Hayne, Herron, Kasten, Mason, Mills, Orr, Peck, Rehbein, Rose, Sayles, Spring, Vogel, Wagner, Wallin, Winslow, Wiseman.

Total 25

Excused: None.

Total 0

Absent or not voting: M. Hanson.

Total 1

**HB 333** passed as follows:

Ayes: Anderson, Barnett, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gilbert, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harrington, Hayne, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCarthy, Menahan, Mills, Molnar, T. Nelson, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, J. Rice, Rose, Russell, Sayles, Schwinden, Simon, Simpkins, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wallin, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 80

Noes: Bachini, Bardanouve, Barnhart, Brooke, Brown, Dowell, Gervais, Harper, Herron, McCaffree, McCulloch, L. Nelson, Peterson, S. Rice, Ryan, Schye, Smith, Wagner, Wanzenried.

Total 19

Excused: None.

Total 0

Absent or not voting: Grady.

Total 1

**HB 427** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Benedict, Bergman, Bergsagel, Boharski, Bohlinger, Brandewie, Clark, Cobb, Daily, DeBruycker, Ellis, Endy, Fagg, Feland, Fisher, Foster, Gilbert, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Harrington, Hayne, Herron, Hibbard, R. Johnson, Kasten, Keller, Knox, Larson, Mason, Mills, Molnar, T. Nelson, Orr, Peck, Peterson, Raney, Rehbein, J. Rice, Rose, Simon, Simpkins, Spring, Stovall, Tash, Tunby, Vogel, Wagner, Wallin, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 60

Noes: Barnhart, Bird, Brooke, Brown, Cocchiarella, Davis, Dolezal, Dowell, Driscoll, Elliott, Ewer, Galvin, Gervais, Hansen, Harper, J. Johnson, Kadas, McCaffree, McCarthy, McCulloch, Menahan, L. Nelson, Pavlovich, Quilici, Ream, Russell, Ryan, Sayles, Schwinden, Schye, Smith, Squires, Stanford, Strizich, Swanson, Toole, Tuss, Wanzenried, Whalen.

Total 39

Excused: None.

Total 0

Absent or not voting: S. Rice.

Total 1

**HB 430** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Grady, Grimes, Grinde, Hansen, H.S. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, Kadas, Larson, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Schwinden, Schye, Simon, Simpkins, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 86

Noes: Bergsagel, DeBruycker, Feland, Gilbert, M. Hanson, R. Johnson, Kasten, Keller, Knox, Rehbein, Sayles, Smith, Wagner.

Total 13

Excused: None.

Total 0

Absent or not voting: Mason.

Total 1

**HB 517** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Grady, Grimes, Grinde, Hansen, H.S. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss,

Vogel, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 92

Noes: Bergsagel, Gilbert, M. Hanson, Kasten, Peterson, Rehbein, Wagner.

Total 7

Excused: None.

Total 0

Absent or not voting: Keller.

Total 1

**HB 522** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Grady, Grimes, Grinde, Hansen, H.S. Hanson, Harper, Harrington, J. Johnson, R. Johnson, Kadas, Kasten, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Pavlovich, Peck, Quilici, Raney, Ream, J. Rice, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wallin, Wanzenried, Whalen, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 83

Noes: Barnett, DeBruycker, Feland, Gilbert, Hayne, Herron, Keller, Orr, Peterson, Rehbein, S. Rice, Rose, Spring, Wagner, Winslow.

Total 15

Excused: None.

Total 0

Absent or not voting: M. Hanson, Hibbard.

Total 2

**HB 529** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, McCaffree, McCarthy, McCulloch, Mills, Molnar, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wallin, Wanzenried, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 87

Noes: Bergsagel, Bird, DeBruycker, Gilbert, Kasten, Larson, Menahan, L. Nelson, Rehbein, Spring, Wagner, Whalen.  
Total 12

Excused: None.  
Total 0

Absent or not voting: Mason.  
Total 1

**HB 537** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 97

Noes: Feland, Rehbein, Spring.  
Total 3

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 549** passed as follows:

Ayes: Anderson, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 95

Noes: Bachini, Bardanouve, Bergsagel, Brooke.  
Total 4



Excused: None.

Total 0

Absent or not voting: Hayne.

Total 1

**HB 563** passed as follows:

Ayes: Anderson, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Foster, Galvin, Gervais, Grimes, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, Pavlovich, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Schwinden, Schye, Simon, Simpkins, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 77

Noes: Bachini, Bergsagel, Bird, Boharski, DeBruycker, Feland, Fisher, Gilbert, Grady, Grinde, Hayne, Kasten, L. Nelson, T. Nelson, Orr, Peck, Peterson, Rehbein, Sayles, Smith, Spring, Vogel, Wagner.

Total 23

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 570** passed as follows:

Ayes: Anderson, Barnett, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Clark, Cobb, DeBruycker, Elliott, Ellis, Fagg, Feland, Fisher, Foster, Gilbert, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kasten, Keller, Knox, Mason, McCarthy, Mills, Molnar, L. Nelson, T. Nelson, Orr, Peterson, Quilici, Rehbein, J. Rice, Rose, Sayles, Simon, Simpkins, Smith, Spring, Stovall, Tash, Tunby, Vogel, Wagner, Wallin, Winslow, Wiseman, Zook, Mr. Speaker.

Total 59

Noes: Bachini, Bardanouve, Barnhart, Brooke, Brown, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Endy, Ewer, Galvin, Gervais, Hansen, Harper, Harrington, Kadas, Larson, McCaffree, McCulloch, Menahan, Pavlovich, Peck, Raney, Ream, S. Rice, Russell, Ryan, Schwinden, Schye, Squires, Stanford, Strizich, Swanson, Toole, Tuss, Wanzenried, Whalen, Wyatt.

Total 41

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 585** passed as follows:

Ayes: Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Gilbert, Grimes, Grinde, Hansen, H.S. Hanson, Harper, Harrington, Herron, Hibbard, J. Johnson, Kadas, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, Pavlovich, Peck, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Schwinden, Schye, Simon, Simpkins, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 81

Noes: Anderson, Bergsagel, Clark, DeBruycker, Feland, Grady, M. Hanson, Hayne, R. Johnson, Kasten, Keller, L. Nelson, T. Nelson, Orr, Peterson, Rehbein, Sayles, Smith, Vogel.

Total 19

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 591** failed as follows:

Ayes: Bachini, Barnett, Bergman, Bergsagel, Bohlinger, Brooke, Brown, Cocchiarella, Daily, DeBruycker, Feland, Foster, Galvin, Gilbert, Grimes, Grinde, H.S. Hanson, M. Hanson, Harrington, J. Johnson, R. Johnson, Kadas, Keller, Knox, Larson, Mason, Menahan, T. Nelson, Orr, Pavlovich, Peck, Peterson, Rehbein, J. Rice, Rose, Schye, Simon, Simpkins, Smith, Spring, Strizich, Swanson, Toole, Tunby, Vogel, Wallin, Winslow, Wiseman, Zook, Mr. Speaker.

Total 50

Noes: Anderson, Bardanouve, Barnhart, Benedict, Bird, Boharski, Brandewie, Clark, Cobb, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Gervais, Grady, Hansen, Harper, Hayne, Herron, Hibbard, Kasten, McCaffree, McCarthy, McCulloch, Mills, Molnar, L. Nelson, Quilici, Raney, Ream, S. Rice, Russell, Ryan, Sayles, Schwinden, Squires, Stanford, Stovall, Tash, Tuss, Wagner, Wanzenried, Whalen, Wyatt.

Total 50

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 601** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 91

Noes: Bergsagel, Cobb, Feland, Galvin, Kasten, Peck, Peterson, Rehbein, Wagner.

Total 9

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 608** - Representative Grinde moved consideration of HB 608 be passed for the day. Motion carried.

**HB 609** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 99

Noes: Gilbert.

Total 1

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 654** passed as follows:

Ayes: Anderson, Barnett, Benedict, Bergman, Bergsagel, Boharski, Bohlinger, Brandewie, Clark, Cobb, DeBruycker, Elliott, Ellis, Fagg, Feland, Fisher, Foster, Gilbert, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Harrington, Hayne, Herron, Hibbard, R. Johnson, Kasten, Keller, Knox, Mason, McCarthy, Mills, Molnar, L. Nelson, T. Nelson, Orr, Peck, Peterson, Rehbein, J. Rice, Rose, Sayles, Simon, Simpkins, Spring, Stovall, Strizich, Tash, Tunby, Vogel, Wagner, Wallin, Winslow, Wiseman, Zook, Mr. Speaker.  
Total 58

Noes: Bachini, Bardanouve, Barnhart, Bird, Brooke, Brown, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Endy, Ewer, Galvin, Gervais, Hansen, Harper, J. Johnson, Kadas, Larson, McCaffree, McCulloch, Menahan, Pavlovich, Quilici, Raney, Ream, S. Rice, Russell, Ryan, Schwinden, Schye, Smith, Squires, Stanford, Swanson, Toole, Tuss, Wanzenried, Whalen, Wyatt.  
Total 42

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 655** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Gervais, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 95

Noes: Bergsagel, Galvin, Gilbert, Kasten, Wagner.  
Total 5

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 657** passed as follows:



Ayes: Anderson, Bardanouve, Barnett, Barnhart, Bergman, Boharski, Bohlinger, Brandewie, Clark, Cobb, Dowell, Driscoll, Ellis, Endy, Ewer, Feland, Fisher, Foster, Gervais, Grady, Grimes, Hansen, H.S. Hanson, M. Hanson, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Larson, Mason, Mills, Molnar, T. Nelson, Orr, Peck, Peterson, Raney, Ream, J. Rice, Rose, Russell, Ryan, Sayles, Simon, Smith, Spring, Squires, Stovall, Strizich, Tash, Toole, Tunby, Wagner, Wallin, Wanzenried, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 65

Noes: Bachini, Benedict, Bergsagel, Bird, Brooke, Brown, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Elliott, Fagg, Galvin, Gilbert, Grinde, Harper, Kasten, McCaffree, McCarthy, McCulloch, Menahan, L. Nelson, Pavlovich, Quilici, Rehbein, S. Rice, Schwinden, Schye, Simpkins, Stanford, Swanson, Tuss, Vogel, Whalen.  
Total 35

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 660** passed as follows:

Ayes: Anderson, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Bohlinger, Brandewie, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 93

Noes: Bachini, Boharski, Cobb, DeBruycker, M. Hanson, Kasten, Peck.  
Total 7

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 663** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis,

Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 92

Noes: Clark, DeBruycker, Feland, Hayne, Herron, Rehbein.  
Total 6

Excused: None.  
Total 0

Absent or not voting: Keller, Mills.  
Total 2

**HB 668** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 98

Noes: DeBruycker, Peterson.  
Total 2

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 671** passed as follows:

Ayes: Bardanouve, Barnett, Bergsagel, Bird, Bohlinger, Brooke, Brown, Clark, Cocchiarella, Daily, DeBruycker, Dolezal, Elliott, Ellis, Ewer, Feland, Gilbert, Grady, Grinde, H.S. Hanson, Harper, Harrington, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Knox, T. Nelson, Pavlovich, Peterson, Quilici, Ream, J. Rice, Rose, Russell, Schye, Simpkins, Smith, Spring,

Squires, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Wagner, Wallin, Winslow, Wiseman, Zook, Mr. Speaker.

Total 53

Noes: Anderson, Bachini, Barnhart, Benedict, Bergman, Boharski, Brandewie, Cobb, Davis, Dowell, Driscoll, Endy, Fagg, Fisher, Foster, Galvin, Gervais, Grimes, Hansen, Hayne, Kasten, Keller, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, Orr, Peck, Raney, Rehbein, S. Rice, Ryan, Sayles, Schwinden, Stanford, Tuss, Vogel, Wanzenried, Whalen, Wyatt.

Total 45

Excused: None.

Total 0

Absent or not voting: M. Hanson, Simon.

Total 2

**HB 674** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Daily, Davis, Dolezal, Elliott, Ellis, Endy, Fagg, Feland, Fisher, Foster, Galvin, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, Mills, L. Nelson, T. Nelson, Orr, Peck, Quilici, Rehbein, J. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Stanford, Stovall, Swanson, Tash, Tunby, Vogel, Wagner, Wallin, Winslow, Wiseman, Zook, Mr. Speaker.

Total 79

Noes: Cocchiarella, DeBruycker, Dowell, Driscoll, Ewer, Gervais, McCulloch, Menahan, Molnar, Pavlovich, Peterson, Raney, Ream, S. Rice, Squires, Strizich, Toole, Tuss, Wanzenried, Whalen, Wyatt.

Total 21

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 675** failed as follows:

Ayes: Anderson, Barnett, Benedict, Bergman, Bergsagel, Boharski, Clark, Cobb, DeBruycker, Ellis, Fagg, Feland, Fisher, Foster, Grady, Grimes, Grinde, H.S. Hanson, Hayne, Herron, Hibbard, R. Johnson, Kadas, Kasten, Keller, Knox, Mason, Mills, L. Nelson, T. Nelson, Orr, Peck, Peterson, Rehbein, J. Rice, Rose, Sayles, Simpkins, Smith, Spring, Stovall, Tash, Tunby, Vogel, Wallin, Winslow, Wiseman, Zook, Mr. Speaker.

Total 49

Noes: Bachini, Bardanouve, Barnhart, Bird, Bohlinger, Brandewie, Brooke, Brown, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Endy, Ewer, Galvin, Gervais, M. Hanson, Harper, Harrington, J. Johnson, Larson, McCaffree, McCarthy, McCulloch, Menahan, Molnar, Pavlovich, Quilici, Raney, Ream, S. Rice, Russell, Ryan, Schwinden, Schye, Simon, Squires, Stanford, Strizich, Swanson, Toole, Tuss, Wagner, Wanzenried, Whalen, Wyatt.

Total 49

Excused: None.

Total 0

Absent or not voting: Gilbert, Hansen.

Total 2

**HB 677** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Benedict, Bergsagel, Boharski, Bohlinger, Brandewie, Brooke, Cobb, DeBruycker, Elliott, Ellis, Fagg, Feland, Fisher, Foster, Grady, Grimes, H.S. Hanson, M. Hanson, Herron, Hibbard, R. Johnson, Kadas, Kasten, Keller, Knox, Mason, McCaffree, Mills, Molnar, T. Nelson, Peck, Peterson, J. Rice, Simon, Simpkins, Smith, Spring, Stovall, Swanson, Tash, Tunby, Vogel, Wiseman, Zook, Mr. Speaker.

Total 49

Noes: Barnhart, Bird, Brown, Clark, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Endy, Ewer, Galvin, Gervais, Gilbert, Harper, Harrington, Hayne, J. Johnson, Larson, McCarthy, McCulloch, Menahan, L. Nelson, Orr, Pavlovich, Quilici, Raney, Ream, Rehbein, S. Rice, Russell, Ryan, Sayles, Schwinden, Schye, Squires, Stanford, Strizich, Toole, Tuss, Wagner, Wallin, Whalen, Winslow, Wyatt.

Total 46

Excused: None.

Total 0

Absent or not voting: Bergman, Grinde, Hansen, Rose, Wanzenried.

Total 5

**HB 678** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Davis, DeBruycker, Dolezal, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCarthy, McCulloch, Mills, Molnar, L. Nelson, T. Nelson, Orr, Peterson, Raney, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.



Total 86

Noes: Cocchiarella, Daily, Dowell, Driscoll, Gervais, Harper, McCaffree, Menahan, Pavlovich, Peck, Quilici, Ream, Strizich, Wanzenried.

Total 14

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 685** passed as follows:

Ayes: Anderson, Bardanouve, Barnett, Benedict, Bergman, Bergsagel, Boharski, Bohlinger, Brandewie, Clark, Cobb, DeBruycker, Elliott, Ellis, Ewer, Fagg, Feland, Fisher, Foster, Gilbert, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Harper, Hayne, Herron, Hibbard, R. Johnson, Kadas, Kasten, Keller, Knox, Mason, Mills, Molnar, L. Nelson, T. Nelson, Orr, Peterson, Rehbein, Rose, Sayles, Simon, Simpkins, Spring, Stovall, Tash, Tunby, Vogel, Wagner, Winslow, Wiseman, Zook, Mr. Speaker.

Total 56

Noes: Bachini, Barnhart, Bird, Brooke, Brown, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Endy, Galvin, Gervais, Hansen, Harrington, J. Johnson, Larson, McCaffree, McCarthy, McCulloch, Menahan, Pavlovich, Peck, Quilici, Raney, Ream, S. Rice, Russell, Ryan, Schwinden, Schye, Smith, Squires, Stanford, Strizich, Swanson, Toole, Tuss, Wallin, Wanzenried, Whalen, Wyatt.

Total 43

Excused: None.

Total 0

Absent or not voting: J. Rice.

Total 1

**HJR 18** passed as follows:

Ayes: Anderson, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 93

Noes: Bachini, Daily, DeBruycker, Hayne, Kasten, Peck, Spring.  
Total 7

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HJR 24** passed as follows:

Ayes: Anderson, Bachini, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 97

Noes: DeBruycker.  
Total 1

Excused: None.  
Total 0

Absent or not voting: Bardanoue, Herron.  
Total 2

**SB 121** concurred in as follows:

Ayes: Anderson, Bachini, Bardanoue, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Quilici, Raney, Ream, J. Rice, S. Rice, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Vogel, Wagner, Wallin, Wanzenried, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 89

Noes: Bergsagel, Cobb, Feland, Gilbert, Molnar, Peterson, Rehbein, Smith, Whalen.  
Total 9

Excused: None.

Total 0

Absent or not voting: Rose, Tuss.

Total 2

**HB 616** passed as follows:

Ayes: Anderson, Barnett, Benedict, Bergman, Bird, Bohlinger, Brandewie, Brooke, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Driscoll, Ellis, Endy, Fagg, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, T. Nelson, Orr, Pavlovich, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wallin, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 82

Noes: Bachini, Bardanouve, Barnhart, Bergsagel, Boharski, DeBruycker, Dowell, Elliott, Ewer, Feland, Kasten, L. Nelson, Peck, Peterson, Rehbein, Wagner, Wanzenried.

Total 17

Excused: Brown.

Total 1

Absent or not voting: None.

Total 0

Representative Brown excused from voting due to conflict of interest.

**HB 640** passed as follows:

Ayes: Anderson, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Mason, McCaffree, McCarthy, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 96

Noes: Bachini, Bergsagel, McCulloch.

Total 3

Excused: None.

Total 0

Absent or not voting: Larson.

Total 1

**HB 46** passed as follows:

Ayes: Anderson, Bachini, Barnett, Barnhart, Bergsagel, Boharski, Bohlinger, Brandewie, Brooke, Clark, Cobb, Cocchiarella, Davis, Ellis, Endy, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCulloch, Mills, L. Nelson, T. Nelson, Orr, Peck, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 79

Noes: Benedict, Bergman, Bird, Brown, Daily, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ewer, M. Hanson, Kadas, McCarthy, Menahan, Molnar, Pavlovich, Rehbein, Schye, Wallin.

Total 20

Excused: None.

Total 0

Absent or not voting: Bardanouve.

Total 1

**SB 51** concurred in as follows:

Ayes: Anderson, Bachini, Barnett, Benedict, Bird, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Driscoll, Elliott, Ellis, Endy, Feland, Foster, Galvin, Gervais, Grady, Grinde, Hansen, H.S. Hanson, M. Hanson, Harrington, Hibbard, J. Johnson, Keller, Larson, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Quilici, Raney, Ream, S. Rice, Russell, Ryan, Sayles, Schwinden, Schye, Simpkins, Smith, Squires, Stanford, Stovall, Strizich, Tash, Tuss, Whalen, Wyatt, Zook, Mr. Speaker.

Total 62

Noes: Bardanouve, Barnhart, Bergsagel, Boharski, Bohlinger, Brandewie, Cobb, Dowell, Ewer, Fagg, Fisher, Gilbert, Grimes, Harper, Hayne, Herron, R. Johnson, Kadas, Kasten, Knox, Mason, Peck, Peterson, Rehbein, J. Rice, Rose, Simon, Spring, Swanson, Toole, Tunby, Vogel, Wagner, Wallin, Wanzenried, Winslow, Wiseman.

Total 37

Excused: None.

Total 0

Absent or not voting: Bergman.



Total 1

### MOTIONS

Representative Galvin moved he be allowed to change his vote on HB 601 and HB 655, third reading, from no to aye. Motion carried.

Representative Harrington moved he be allowed to change his vote on HB 654, third reading, from aye to no. Motion carried.

Representative Vogel moved he be allowed to change his vote on HB 685, third reading, from aye to no. Motion carried.

Representative Bianchi moved the rules be suspended to permit the late drafting and introduction of a bill. Motion carried.

Representative Bergsagel moved HB 608 be taken from engrossing and placed on second reading. Motion carried.

Representative Harrington moved he be allowed to change his vote on HB 427, third reading, from aye to no. Motion carried.

Representative Molnar moved he be allowed to change his vote on HB 5, third reading, from aye to no. Motion carried.

Representative Molnar moved he be allowed to change his vote on HB 46, third reading, from no to aye. Motion carried.

Representative Smith moved she be allowed to change her vote on HB 671 and HB 674, third reading, from aye to no. Motion carried.

Representative Bergman moved she be allowed to change her vote on HB 46, third reading, from no to aye. Motion carried.

Representative Bergman moved she be allowed to change her vote on SB 51, third reading, from absent to no. Motion carried.

Representative Hibbard moved he be allowed to change his vote on HB 522, third reading, from absent to aye. Motion carried.

Representative Dolezal moved he be allowed to change his vote on HB 671, third reading, from aye to no. Motion carried.

Representative Grinde moved the House reconsider its action on HB 591 taken on third reading this legislative day. Motion carried. (74-24)

### THIRD READING OF BILLS

The following bill having been read three several times, title and history agreed to, was disposed of in the following manner:

**HB 591** passed as follows:

Ayes: Anderson, Bachini, Barnett, Bergman, Bergsagel, Bird, Bohlinger, Brooke, Brown, Cocchiarella, Daily, DeBruycker, Ellis, Feland, Foster, Galvin, Gilbert, Grimes, Grinde, H.S. Hanson, M. Hanson, Harrington, J. Johnson, R. Johnson, Kadas, Keller, Knox, Larson, Mason, Mills, T. Nelson, Orr, Pavlovich, Peck, Peterson, J. Rice, Rose, Schye, Simon, Simpkins, Smith, Spring, Strizich, Swanson, Tash, Toole, Tunby, Vogel, Wallin, Winslow, Wiseman, Zook, Mr. Speaker.  
Total 53

Noes: Bardanouve, Barnhart, Boharski, Clark, Cobb, Davis, Dolezal, Dowell, Driscoll, Elliott, Endy, Ewer, Fagg, Fisher, Gervais, Grady, Hansen, Harper, Hayne, Herron, Hibbard, Kasten, McCaffree, McCarthy, McCulloch, Menahan, Molnar, L. Nelson, Quilici, Raney, Ream, Rehbein, S. Rice, Russell, Ryan, Sayles, Schwinden, Squires, Stanford, Stovall, Tuss, Wagner, Wanzenried, Whalen, Wyatt.  
Total 45

Excused: None.  
Total 0

Absent or not voting: Benedict, Brandewie.  
Total 2

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Dowell in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**SB 163** - Representative Driscoll moved SB 163 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, S. Rice, Rose, Russell, Ryan, Sayles, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 95

Noes: DeBruycker, Gilbert, Rehbein.  
Total 3

Excused: None.

Total 0

Absent or not voting: J. Rice, Schwinden.

Total 2

**SB 164** - Representative Driscoll moved SB 164 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 100

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 453** - Representative Molnar moved HB 453 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 98

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: Brandewie, Simon.

Total 2

**HB 455** - Representative Driscoll moved HB 455, second reading copy, be amended (amendment #1). Amendment #1 failed as follows: (41-54)

Representative Elliott move HB 455 do pass. Motion failed as follows:

Ayes: Bardanouve, Barnhart, Bird, Boharski, Brooke, Brown, Cobb, Cocchiarella, Davis, DeBruycker, Dowell, Driscoll, Elliott, Ewer, Foster, Galvin, Gervais, Hansen, Harper, J. Johnson, R. Johnson, Kadas, Larson, McCulloch, Menahan, Molnar, L. Nelson, Raney, Ream, Rehbein, S. Rice, Russell, Ryan, Schwinden, Schye, Stanford, Strizich, Swanson, Tuss, Wanzenried, Whalen, Wyatt.

Total 42

Noes: Anderson, Bachini, Barnett, Benedict, Bergman, Bergsagel, Bohlinger, Brandewie, Clark, Daily, Dolezal, Ellis, Endy, Fagg, Feland, Fisher, Gilbert, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Herron, Hibbard, Kasten, Keller, Knox, Mason, McCarthy, Mills, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, J. Rice, Rose, Sayles, Simon, Simpkins, Smith, Spring, Squires, Stovall, Tash, Toole, Tunby, Vogel, Wagner, Wallin, Winslow, Wiseman, Zook, Mr. Speaker.

Total 56

Excused: None.

Total 0

Absent or not voting: Harrington, McCaffree.

Total 2

**HB 361** - Representative Whalen moved HB 361, second reading copy, be amended (amendment #1). Amendment #1 failed as follows: (40-56)

Representative Toole moved HB 361, second reading copy, be amended (amendment #2). Amendment #2 failed as follows: (44-56)

Representative Hibbard moved HB 361 do pass. Motion carried as follows:

Ayes: Anderson, Barnett, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Clark, Cobb, DeBruycker, Ellis, Ewer, Fagg, Feland, Fisher, Foster, Gilbert, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Herron, Hibbard, R. Johnson, Kasten, Keller, Knox, Mason, Mills, Molnar, L. Nelson, T. Nelson, Orr, Peterson, Rehbein, J. Rice, Rose, Sayles, Simon, Simpkins, Smith, Spring, Stovall, Swanson, Tash, Tunby, Vogel, Wagner, Wallin, Winslow, Wiseman, Zook, Mr. Speaker.

Total 58

Noes: Bachini, Bardanouve, Brown, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Endy, Galvin, Gervais, Hansen, Harper, Harrington,



J. Johnson, Kadas, Larson, McCaffree, McCarthy, McCulloch, Menahan, Pavlovich, Peck, Quilici, Raney, Ream, Russell, Ryan, Schwinden, Schye, Squires, Stanford, Strizich, Toole, Tuss, Wanzenried, Whalen, Wyatt.  
Total 40

Excused: None.  
Total 0

Absent or not voting: Barnhart, S. Rice.  
Total 2

**HB 622** - Representative Whalen moved HB 622, second reading copy, be amended (amendment #1). Amendment #1 failed as follows: (47-51)

Representative Ewer moved HB 622 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Mills, Molnar, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 96

Noes: Menahan, Whalen.  
Total 2

Excused: None.  
Total 0

Absent or not voting: Hayne, L. Nelson.  
Total 2

**SB 347** - Mr. Speaker moved SB 347 be concurred in.

Representative Toole made a substitute motion SB 347 be placed at the bottom of the second reading board. Motion failed. (44-55)

Representative Toole moved SB 347, third reading copy, be amended (amendment #1). Amendment #1 failed as follows: (49-51)

Mr. Speaker moved his original motion that SB 347 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Clark, Cobb, DeBruycker, Ellis, Fagg, Feland, Fisher, Foster, Gilbert, Grady, Grimes,

Grinde, H.S. Hanson, M. Hanson, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kasten, Keller, Knox, Mason, Mills, Molnar, L. Nelson, T. Nelson, Orr, Peck, Peterson, Quilici, Rehbein, J. Rice, S. Rice, Rose, Sayles, Simon, Simpkins, Smith, Spring, Stovall, Swanson, Tash, Toole, Tunby, Vogel, Wagner, Wallin, Winslow, Wiseman, Zook, Mr. Speaker.  
Total 64

Noes: Barnhart, Brown, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Endy, Ewer, Galvin, Gervais, Hansen, Harper, Harrington, Kadas, Larson, McCaffree, McCarthy, McCulloch, Menahan, Pavlovich, Raney, Ream, Russell, Ryan, Schwinden, Schye, Squires, Stanford, Strizich, Tuss, Wanzenried, Whalen, Wyatt.  
Total 36

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

Representative Grinde moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman Dowell moved the adoption of the committee report. Report adopted. (71-25)

### **ANNOUNCEMENTS**

Committee meetings were announced by committee chairmen.

Representative Grinde moved the House adjourn until 11:30 a.m., Thursday, March 25, 1993. Motion carried.

House adjourned at 3:05 p.m.

John Mercer, Speaker

Marilyn Miller, Chief Clerk



## SIXTY-SEVENTH LEGISLATIVE DAY

Helena, Montana  
March 25, 1993

House Chambers  
State Capitol

House convened at 11:37 a.m. Mr. Speaker in the Chair. Invocation by David R. Thye, D.M.A. who sang "The Lord's Prayer". Pledge of Allegiance to the Flag.

Roll call. All members present. Quorum present.

### SPECIAL ORDERS OF THE DAY

Representative Schwinden introduced the following Kumamoto officials to the House:

Mr. Tanaka, Director of International Affairs Division;  
Mr. Fujikawa, Kumamoto Budget Office;  
Mr. Yamamoto, future director of Kumamoto Plaza in Helena;  
Mr. Shinya Ueno, director of Kumamoto Plaza, who will be leaving Montana after two years in residence.

Mr. Tanaka presented Mr. Speaker with gifts from Japan.

### REPORTS OF STANDING COMMITTEES

BILLS (Hayne, Chairman): 3/25/93  
Correctly engrossed for third reading: HB 361, HB 453, HB 622, SB 163,  
SB 164, SB 347.  
Correctly engrossed for third reading: HB 6, HB 11, HB 12, HB 563,  
HB 678, HJR 18, HJR 24. 3/24/93

STATE ADMINISTRATION (Simpkins, Chairman): 3/24/93  
**HB 673**, introduced bill, be amended as follows:

1. Page 3, line 8.  
Following: "fees"  
Insert: " -- account established"
2. Page 3, line 18.  
Following: "(2)"  
Insert: "(a) There is an account in the state special revenue fund for the  
fees collected under the provisions of this section.  
(b)"
3. Page 3, lines 18 and 19.  
Following: "shall" on line 18  
Insert: "deduct from the total fees collected pursuant to subsection (1) the  
administrative cost of collecting and accounting for the fees and  
shall"  
Strike: "fees" on line 18 through "(1)" on line 19  
Insert: "remaining amount"
4. Page 3, line 20.  
Strike: "fund"  
Insert: "account established in subsection (2)(a)"



And, as amended, do pass. Report adopted.

### REPORTS OF SELECT COMMITTEES

Free Conference Committee  
on Senate Bill 14  
Report No. 1, March 23, 1993

Mr. President and Mr. Speaker:

We, your Free Conference Committee on Senate Bill 14, met and considered:

Senate Bill 14 in its entirety.

We recommend that Senate Bill 14 (reference copy - salmon) be amended as follows:

1. Page 1, line 21.  
Strike: "other"  
Following: "ADULT"  
Insert: ", "

And that this Free Conference Committee report be adopted.

For the Senate:

Pipinich, Chairman  
Forrester  
Swift

For the House:

Clark, Chairman  
Ryan  
Smith

Conference Committee  
on Senate Bill 58  
Report No. 1, March 23, 1993

Mr. President and Mr. Speaker:

We, your Conference Committee on Senate Bill 58, met and considered:

House amendments to Senate Bill 58.

We recommend that Senate Bill 58 (reference copy - salmon) be amended as follows:

1. Page 4, line 11 through page 5, line 1.  
Following: "(1)" on line 11  
Strike: the remainder of line 11 through page 5, line 1 in their entirety  
Insert: "A member of the regular armed forces of the United States, a member's dependent, as defined in 15-30-113, who resides in the member's Montana household, or a member of the armed forces of a foreign government attached to the regular armed forces of the

United States is considered a resident for the purposes of this chapter if:

(a) the member was a resident of Montana under the provisions of subsection (2) at the time the member entered the armed forces and continues to meet residency criteria of subsection (2); or

(b) the member is currently assigned to active duty in Montana, has resided in Montana for at least 30 days, and presents official assignment orders. The 30-day residence requirements is waived in time of war."

And that this Conference Committee report be adopted.

For the Senate:

Pipinich, Chairman  
Swift  
Christiaens

For the House:

M. Hanson, Chairman  
Pavlovich  
Vogel

#### MESSAGES FROM THE SENATE

House bill concurred in as amended and returned to the House for concurrence in Senate amendments: 3/24/93

**HB 174**, introduced by Clark

House amendments to Senate bill concurred in: 3/24/93

**SB 228**, introduced by Stang

#### MESSAGES FROM THE GOVERNOR

The Honorable John Mercer  
Speaker of the House  
State Capitol  
Helena, Montana 59620

March 24, 1993

Dear Representative Mercer:

Please be informed that I have signed House Bills 53, 150, 189, 203, 208, 211, 234, 251, 259, 266, 356, 390, 403, 404, 440, 446, 464, 465, 493, 513, 520, 521, 535, and 631 on March 24, 1993.

Sincerely,

MARC RACICOT  
Governor

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Simpkins in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 628** - Representative Toole moved HB 628 do pass. Motion failed as follows:

Ayes: Bachini, Bardanouve, Barnhart, Bird, Brooke, Brown, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Endy, Ewer, Galvin, Gervais, Hansen, Harper, Harrington, J. Johnson, Kadas, Larson, McCaffree, McCarthy, McCulloch, Menahan, L. Nelson, Pavlovich, Peck, Quilici, Raney, Ream, S. Rice, Russell, Ryan, Schwinden, Schye, Smith, Squires, Stanford, Strizich, Swanson, Toole, Tuss, Wanzenried, Whalen, Wyatt.  
Total 48

Noes: Anderson, Barnett, Bergman, Bergsagel, Boharski, Bohlinger, Brandewie, Clark, Cobb, DeBruycker, Ellis, Fagg, Feland, Fisher, Foster, Gilbert, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Herron, Hibbard, R. Johnson, Kasten, Keller, Knox, Mason, Mills, Molnar, T. Nelson, Orr, Peterson, Rehbein, J. Rice, Rose, Sayles, Simon, Spring, Stovall, Tash, Tunby, Vogel, Wagner, Wallin, Winslow, Wiseman, Zook, Mr. Speaker.  
Total 50

Excused: None.  
Total 0

Absent or not voting: Benedict, Simpkins.  
Total 2

**SB 394** - Representative Benedict moved SB 394 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Barnett, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Clark, Daily, Davis, DeBruycker, Driscoll, Elliott, Ellis, Endy, Fagg, Feland, Fisher, Foster, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, Mills, Molnar, L. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Rehbein, Rose, Russell, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Stovall, Swanson, Tash, Toole, Tunby, Vogel, Wagner, Wallin, Wanzenried, Winslow, Wiseman, Zook, Mr. Speaker.  
Total 74

Noes: Bardanouve, Barnhart, Brown, Cobb, Cocchiarella, Dolezal, Dowell, Ewer, Galvin, Gervais, Harper, Harrington, Kadas, McCulloch, Menahan,

March 25, 1993

T. Nelson, Ream, J. Rice, S. Rice, Ryan, Squires, Stanford, Strizich, Tuss, Whalen, Wyatt.

Total 26

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 672** - Representative Ewer moved HB 672 do pass. Motion failed as follows:

Ayes: Bachini, Bardanouve, Barnhart, Bird, Brooke, Brown, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Endy, Ewer, Galvin, Gervais, Hansen, Harper, Harrington, Kadas, McCaffree, McCarthy, McCulloch, Menahan, Pavlovich, Peck, Raney, Ream, S. Rice, Russell, Ryan, Sayles, Schwinden, Schye, Smith, Stanford, Strizich, Swanson, Tuss, Wallin, Whalen, Wyatt.

Total 43

Noes: Anderson, Barnett, Benedict, Bergman, Bergsagel, Boharski, Bohlinger, Brandewie, Clark, Cobb, DeBruycker, Ellis, Fagg, Feland, Fisher, Foster, Gilbert, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kasten, Keller, Knox, Larson, Mason, Mills, Molnar, L. Nelson, T. Nelson, Orr, Peterson, Quilici, Rehbein, J. Rice, Rose, Simon, Simpkins, Spring, Squires, Stovall, Tash, Toole, Tunby, Vogel, Wagner, Wanzenried, Winslow, Wiseman, Zook, Mr. Speaker.

Total 57

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 504** - Representative Benedict moved HB 504 do pass.

After a lengthy debate, Representative Elliott made a motion for cloture on HB 504. Motion carried.

Thereupon, HB 504 passed as follows:

Ayes: Anderson, Barnett, Benedict, Bergman, Bergsagel, Boharski, Bohlinger, Brandewie, Clark, Cobb, DeBruycker, Ellis, Fagg, Feland, Fisher, Foster, Gilbert, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Herron, Hibbard, R. Johnson, Kasten, Keller, Knox, Mason, Mills, T. Nelson, Orr, Peterson, Rehbein, J. Rice, Rose, Sayles, Simon, Simpkins, Spring, Stovall, Tash, Tunby, Vogel, Wagner, Wallin, Winslow, Wiseman, Zook, Mr. Speaker.

Total 51



Noes: Bachini, Bardanouve, Barnhart, Bird, Brooke, Brown, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Endy, Ewer, Galvin, Gervais, Hansen, Harper, Harrington, J. Johnson, Kadas, Larson, McCaffree, McCarthy, McCulloch, Menahan, Molnar, L. Nelson, Pavlovich, Peck, Quilici, Raney, Ream, S. Rice, Russell, Ryan, Schwinden, Schye, Smith, Squires, Stanford, Strizich, Swanson, Toole, Tuss, Wanzenried, Whalen, Wyatt.

Total 49

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 13** - Representative Ewer moved HB 13, second reading copy, be amended (amendment #1). Amendment #1 failed as follows: (47-52)

Representative Ewer moved HB 13, second reading copy, be amended as follows (amendment #2):

1. Title, page 1, lines 9 through 13.

Following: "~~COMMISSIONER~~;" on line 9

Strike: remainder of line 9 through "FUND;" on line 13

2. Title, page 2, line 2.

Strike: "33-1-102,"

3. Title, page 2, line 3.

Strike: "39-71-721,"

Strike: "39-71-2315,"

4. Title, page 2, line 4.

Strike: "39-71-2351,"

Insert: "AND"

5. Title, page 2, line 5.

Strike: "39-71-2354, AND 39-71-2503,"

6. Page 2, line 8 through page 4, line 4.

Strike: Page 2, line 8 through page 4, line 4 in their entirety

7. Page 8, line 25 through page 22, line 20.

Strike: Sections 1 through 10 in their entirety

Renumber: subsequent sections

8. Page 37, line 22.

Strike: "20"

Insert: "10"

9. Page 37, line 24.

Strike: "22"

Insert: "12"

10. Page 39, lines 7 through 13.

Strike: Section 28 in its entirety

Renumber: subsequent sections

11. Page 39, line 18 through page 40, line 1.

Strike: "1" on page 39, line 18 through "3" on page 40, line 1

12. Page 40, lines 1 and 4.

Strike: "19"

Insert: "9"

Strike: "21"

Insert: "11"

13. Page 40, lines 10 and 11.

Strike: "10," on line 10 through "30" on line 11

Insert: "11, and 16 through 19"

14. Page 40, lines 13 through 15.

Strike: subsection (2) in its entirety

Renumber: subsequent subsections

15. Page 40, line 16.

Strike: "14" through "25"

Insert: "4 through 10 and 12 through 15"

16. Page 40, line 18.

Strike: "21"

Insert: "11"

Amendment #2 passed as follows:

Ayes: Bachini, Bardanouve, Barnett, Barnhart, Bird, Bohlinger, Brooke, Brown, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Endy, Ewer, Fagg, Fisher, Galvin, Gervais, Gilbert, Grady, Hansen, Harper, Harrington, J. Johnson, R. Johnson, Kadas, Larson, McCaffree, McCarthy, McCulloch, Menahan, L. Nelson, Pavlovich, Peck, Quilici, Raney, Ream, J. Rice, S. Rice, Russell, Ryan, Schwinden, Schye, Smith, Squires, Stanford, Stovall, Strizich, Swanson, Toole, Tuss, Wanzenried, Whalen, Wyatt, Zook.

Total 59

Noes: Anderson, Benedict, Bergman, Bergsagel, Boharski, Brandewie, Clark, Cobb, Ellis, Feland, Foster, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Herron, Hibbard, Kasten, Keller, Knox, Mason, Mills, Molnar, T. Nelson, Orr, Peterson, Rehbein, Rose, Sayles, Simon, Simpkins, Spring, Tash, Tunby, Vogel, Wagner, Wallin, Winslow, Wiseman, Mr. Speaker.

Total 41

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Benedict moved HB 13, as amended, do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 98

Noes: DeBruycker, Rehbein.

Total 2

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Wyatt excused at this time.

**HB 587** - Representative Harper moved HB 587 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, R. Johnson, Kadas, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 96

Noes: DeBruycker, Kasten, Rehbein.

Total 3

Voted Absentee: Wyatt, Aye.

Excused: None.

Total 0

Absent or not voting: J. Johnson.

Total 1

**HB 511** - Representative Hibbard moved HB 511 do pass. Motion carried as follows:

Ayes: Bardanouve, Barnhart, Benedict, Bird, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Davis, DeBruycker, Dolezal, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Galvin, Grimes, Hansen, M. Hanson, Harper, Harrington, Hayne, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Larson, Mason, McCaffree, Menahan, Molnar, T. Nelson, Peterson, Raney, Ream, J. Rice, S. Rice, Rose, Sayles, Schwinden, Schye, Simpkins, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tunby, Wagner, Whalen, Wiseman, Zook, Mr. Speaker.

Total 60

Noes: Anderson, Bachini, Barnett, Bergman, Bergsagel, Boharski, Cocchiarella, Daily, Dowell, Feland, Foster, Gervais, Grinde, H.S. Hanson, Herron, Kasten, Knox, McCarthy, McCulloch, Mills, L. Nelson, Orr, Pavlovich, Peck, Quilici, Rehbein, Russell, Ryan, Simon, Smith, Tash, Toole, Tuss, Vogel, Wallin, Wanzenried, Winslow.

Total 37

Excused: Wyatt.

Total 1

Absent or not voting: Gilbert, Grady.

Total 2

**HB 642** - Representative Raney moved HB 642, second reading copy, be amended as follows (amendment #1):

1. Page 5, line 18.

Following: line 17

Insert: "NEW SECTION. Section 4. Coordination instruction. If [this act] and House Bill No. 591 are both passed and approved, then 15-65-121, reads as follows:

"15-65-121. Distribution of tax proceeds -- general fund loan authority. (1) The proceeds of the tax imposed by 15-65-111 must be deposited in an account in the state special revenue fund to the credit of the department of revenue. ~~The department may spend from that account in accordance with an expenditure appropriation by the legislature based on an estimate of the costs of collecting and disbursing the proceeds of the tax.~~

(2) Before allocating the balance of the The tax proceeds must be used or distributed by the department as provided in subsections (1)(a) through (1)(e), follows:

(a) The department may spend from the account established in subsection (1) in accordance with an expenditure



appropriation by the legislature, based on an estimate of the costs of collecting and disbursing the proceeds of the tax.

~~(b) The~~ The department shall determine the expenditures by state agencies for in-state lodging for each reporting period and deduct ~~4%~~ 5% of that amount from the tax proceeds received each reporting period. The amount deducted must be deposited in the general fund.

~~(c) The~~ After subtracting the amounts necessary under subsections (2)(a) and (2)(b), the balance of the tax proceeds received each reporting period ~~and not deducted pursuant to the expenditure appropriation or deposited in the general fund~~ is statutorily appropriated, as provided in 17-7-502, and must be transferred to an account in the state special revenue fund ~~to the credit of the department of commerce for tourism promotion and promotion of the state as a location for the production of motion pictures and television commercials, to the Montana historical society, and to the university system, for distribution by the department~~ as follows:

~~(a)(i) 1%~~ 0.8% to the Montana historical society to be used for the installation or maintenance of roadside historical signs and historic sites;

~~(b)(ii) 2.5%~~ 2% to the university system for the establishment and maintenance of a Montana travel research program; ~~and~~

~~(c) the balance of the proceeds as follows:~~

~~(i)(iii) 75%~~ 64% to the credit of the department of commerce for distribution as follows:

(A) 68.5% to be used directly by the department of commerce ~~for tourism promotion and promotion of the state as a location for the production of motion pictures and television commercials;~~

~~(ii)(iv) (A)(B)~~ except as provided in subsection ~~(1)(e)(iii) (2)(c)(iii)(C)~~, 25% to be distributed by the department to regional nonprofit tourism corporations in the ratio of the proceeds collected in each tourism region to the total proceeds collected statewide;

~~(iii)(B)(C)~~ if 25% of the proceeds collected annually within the limits of a city or consolidated city-county exceeds \$35,000, 50% of the amount available for distribution to the regional nonprofit tourism corporation in the region where the city or consolidated city-county is located is to be distributed to the nonprofit convention and visitors bureau in that city or consolidated city-county; ~~and~~

(D) 6.5% to the department of fish, wildlife, and parks ~~for the maintenance of facilities in state parks that have both resident and nonresident use, subject to [section 2 of House Bill No. 642]; and~~

~~(v)(iv) 42.8%~~ 12.7% to the general fund of counties and incorporated cities and towns ~~for distribution as follows:~~

~~(A) \$6.75 per capita to counties, cities, and towns, not to exceed \$5,000, based upon the latest U.S. bureau of the census data or estimates available to the department at the time of distribution. For the distribution of the per capita amount, the~~

population of a county does not include people living within the boundaries of an incorporated city or town.

(B) after the per capita distribution has been made, the balance based upon the origin of the tax revenue. Each county, city, and town must receive a distribution based upon the ratio of proceeds collected within the jurisdiction to total statewide collections. For the purposes of the origin distribution, collections originating within a county are considered to be only those collections from facilities outside the corporate limits of the cities and towns in the county.

(v) 20.5% to the state general fund.

~~(2)(3)~~ If a city or consolidated city-county qualifies under ~~this section subsection (2)(c)(iv) (2)(c)(iii)(C)~~ for funds but fails to either recognize a nonprofit convention and visitors bureau or submit and gain approval for an annual marketing plan as required in 15-65-122, then those funds must be allocated to the regional nonprofit tourism corporation in the region in which the city or consolidated city-county is located.

~~(3)(4)~~ If a regional nonprofit tourism corporation fails to submit and gain approval for an annual marketing plan as required in 15-65-122, then those funds otherwise allocated to the regional nonprofit tourism corporation may be used by the department of commerce for tourism promotion and promotion of the state as a location for the production of motion pictures and television commercials.

~~(4)(5)~~ The department of commerce may use general fund loans for efficient implementation of this section.""

Renumber: subsequent sections

Amendment #1 passed as follows:

Ayes: Anderson, Bachini, Bardanoue, Barnett, Barnhart, Benedict, Bird, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Gilbert, Grimes, Grinde, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schye, Simon, Simpkins, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Wallin, Whalen, Winslow, Wiseman, Zook, Mr. Speaker.

Total 86

Noes: Bergman, Bergsagel, Feland, Hansen, Kasten, Orr, Smith, Vogel, Wagner, Wanzenried.

Total 10

Excused: Wyatt.

Total 1

Absent or not voting: Boharski, Grady, Schwinden.

Total 3

Representative Raney moved HB 642, as amended, do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnhart, Bird, Bohlinger, Brandewie, Brooke, Brown, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, Harper, Harrington, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Larson, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wanzenried, Whalen, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 80

Noes: Barnett, Benedict, Bergman, Bergsagel, Boharski, Clark, Feland, Fisher, M. Hanson, Hayne, Herron, Kasten, Mason, T. Nelson, Orr, Rehbein, Smith, Wagner, Wallin, Winslow.

Total 20

Voted Absentee: Wyatt, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 9** - Representative Grinde moved consideration of HB 9 be placed at the top of the second reading board. Motion carried.

**HB 65** - Representative Grinde moved consideration of HB 65 be placed below HB 9 on the second reading board. Motion carried.

**HB 9** - Representative Bergsagel moved HB 9 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, L. Nelson, T. Nelson, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 90

Noes: Cobb, DeBruycker, Feland, Gilbert, Hayne, Molnar, Orr, Wagner.

Total 8

Voted Absentee: Wyatt, Aye.

Excused: None.

Total 0

Absent or not voting: Bird, Grady.

Total 2

**HB 65** - Representative Cocchiarella moved HB 65, second reading copy, be amended as follows (amendment #1):

1. Page 3, line 14.

Following: "assistance"

Insert: "-- contributions"

2. Page 3.

Following: line 24

Insert: "(3) The committee may accept from the retirement systems and public employee and retiree organizations monetary contributions for legislative retirement studies. The contributions must be deposited in the state special revenue fund for appropriation by the legislature."

3. Page 5, line 12.

Strike: "Appropriation."

Insert: "Appropriations. (1)"

4. Page 5.

Following: line 16

Insert: "(2) There is appropriated for the biennium ending June 30, 1995, an amount not to exceed \$14,400 to the legislative council from money contributed to the committee on public employee retirement systems pursuant to [section 4(3)]."

Amendment #1 passed as follows:

Ayes: Anderson, Bachini, Bardanoue, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Zook, Mr. Speaker.

Total 95

Noes: Kasten.

Total 1



Excused: Wyatt.

Total 1

Absent or not voting: Gilbert, Grady, Mills.

Total 3

Representative Cocchiarella moved HB 65, as amended, do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 94

Noes: Bergman, Feland, Kadas, Kasten, Vogel.

Total 5

Voted Absentee: Wyatt, Aye.

Excused: None.

Total 0

Absent or not voting: Gilbert.

Total 1

Representative Grinde moved the House recess until 5:00 p.m. Motion carried.

House recessed at 2:54 p.m.

House reconvened at 5:02 p.m. Representative J. Rice in the Chair.

Representative Grinde moved the House recess until 6:00 p.m. Motion carried.

House recessed at 5:03 p.m.

House reconvened at 6:08 p.m. Representative J. Rice in the Chair.

**HB 667** - Representative Simpkins moved HB 667, second reading copy, be amended as follows (amendment #1):

1. Title, page 2, line 5.

Strike: "198"

Insert: "188"

2. Page 82, line 11.

Strike: "~~198%~~"

Insert: "188%"

Amendment #1 passed as follows:

Ayes: Anderson, Bardanouve, Barnett, Benedict, Bergman, Bergsagel, Boharski, Bohlinger, Brandewie, Brooke, Clark, Cobb, Daily, DeBruycker, Elliott, Ellis, Fagg, Feland, Fisher, Foster, Gilbert, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kasten, Keller, Knox, Larson, Mason, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Peterson, Raney, Rehbein, J. Rice, Rose, Sayles, Simon, Simpkins, Smith, Spring, Stovall, Swanson, Tash, Toole, Tunby, Vogel, Wagner, Wallin, Whalen, Winslow, Wiseman, Zook, Mr. Speaker.

Total 65

Noes: Bachini, Barnhart, Bird, Brown, Cocchiarella, Davis, Dolezal, Dowell, Driscoll, Endy, Ewer, Galvin, Gervais, Hansen, Harper, Harrington, Kadas, McCaffree, McCarthy, McCulloch, Pavlovich, Peck, Quilici, Ream, S. Rice, Russell, Ryan, Schwinden, Schye, Squires, Stanford, Strizich, Tuss, Wanzenried, Wyatt.

Total 35

Voted Absentee: Wyatt, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Boharski moved HB 667, second reading copy, be further amended as follows (amendment #2):

1. Title, page 2, line 5.

Strike: "~~198~~"

Insert: "195"

2. Page 43, line 3.

Following: "totaling"

Insert: "amounts received in the last fiscal year for which revenue reporting was required for each source listed below, with the exception of subsection (1)(b)(ii)"

3. Page 82, line 11.

Strike: "~~198%~~"

Insert: "195%"

4. Page 84, lines 14 through 18.

Following: "provided."

Strike: remainder of line 14 through "." on line 18

Amendment #2 passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Clark, Cobb, Cocchiarella, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, Mills, Molnar, T. Nelson, Orr, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Winslow, Wiseman, Zook, Mr. Speaker.

Total 89

Noes: Brown, Daily, Harrington, McCarthy, McCulloch, Menahan, L. Nelson, Pavlovich, Schye.

Total 9

Excused: Wyatt.

Total 1

Absent or not voting: Whalen.

Total 1

Representative Dolezal moved HB 667, second reading copy, be further amended (amendment #3). Amendment #3 failed as follows: (37-61)

Representative Wyatt present at this time.

Representative Daily moved the House reconsider its action on HB 667, amendment #1, taken on second reading this legislative day. Motion carried.

Representative Simpkins withdrew his amendment (amendment #1).

Representative Daily moved HB 667, second reading copy, be further amended (amendment #4). Amendment #4 failed as follows: (45-54)

Representative Kadas moved HB 667, second reading copy, be further amended (amendment #5). Amendment #5 failed as follows: (49-51)

Representative Kadas moved HB 667, second reading copy, be further amended as follows (amendment #6):

1. Title, page 1, line 24.

Following: "APPROVAL"

Insert: "FOR UP TO 90 PERCENT OF THE MAXIMUM GENERAL FUND BUDGET AMOUNT FOR A DISTRICT AND WITH THE REQUIREMENT OF LOCAL VOTER APPROVAL FOR ANY BUDGET AMOUNT BEYOND 90 PERCENT OF THE MAXIMUM GENERAL FUND BUDGET AMOUNT FOR A DISTRICT"

2. Title, page 2, line 14.

Following: line 13

Strike: "2 YEARS"

Insert: "YEAR"

3. Page 11, line 18.

Strike: "2"

Following: "FISCAL"

Strike: "YEARS"

Insert: "year"

4. Page 12, line 22.

Following: "(b)"

Insert: "(i)"

5. Page 12, line 24.

Following: line 23

Insert: "(ii) for up to 90% of the maximum general fund budget amount for the district for the school fiscal year beginning July 1, 1994, and for succeeding school fiscal years, adopt a resolution stating the reasons and purposes for exceeding the BASE budget amount; and  
(iii) for any amount beyond 90% of the maximum general fund budget amount for the district for the school fiscal year beginning July 1, 1994, and for succeeding school fiscal years, submit a proposition for a levy to raise the budget amount to the electors who are qualified under 20-20-301 to vote on the proposition as provided in 20-9-353;"

6. Page 13, line 4.

Following: "SUBSECTION (5)"

Insert: "(b)(ii)"

7. Page 80, line 18.

Following: "CHOOSE"

Insert: "to or are required"

Amendment #6 passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Benedict, Bergsagel, Boharski, Brandewie, Brooke, Cocchiarella, Davis, DeBruycker, Dowell, Driscoll, Elliott, Ellis, Feland, Galvin, Grady, Grinde, Hansen, H.S. Hanson, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Larson, McCaffree, Molnar, L. Nelson, Peck, Peterson, Quilici, Raney, Rehbein, J. Rice, S. Rice, Rose, Russell, Simon, Simpkins, Smith, Squires, Swanson, Tash, Toole, Tunby, Tuss, Wagner, Wallin, Wanzenried, Zook, Mr. Speaker.  
Total 55

Noes: Barnhart, Bergman, Bird, Bohlinger, Brown, Clark, Cobb, Daily, Dolezal, Endy, Ewer, Fagg, Fisher, Foster, Gervais, Gilbert, Grimes, M. Hanson, Harper, Harrington, Hayne, Herron, Kasten, Mason, McCarthy, McCulloch, Menahan, Mills, T. Nelson, Orr, Pavlovich, Ream, Ryan, Sayles, Schwinden, Schye, Spring, Stanford, Stovall, Strizich, Vogel, Whalen, Winslow, Wiseman, Wyatt.



Total 45

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Dowell moved HB 667, second reading copy, be further amended (amendment #7). Amendment #7 failed as follows: (47-53)

Representative Grinde assumed the Chair at this time.

Representative Peck moved HB 667, second reading copy, be further amended (amendment #8). Amendment #8 failed as follows: (44-56)

Representative Wanzenried moved HB 667, second reading copy, be further amended (amendment #9). Amendment #9 failed as follows: (47-53)

Representative J. Rice resumed the Chair at this time.

Representative Wanzenried moved HB 667, second reading copy, be further amended as follows (amendment #10):

1. Title, page 2, line 22.

Following: "AID;" on line 21

Insert: "LIMITING SCHOOL DISTRICT EXPENSES RELATED TO GENERAL ADMINISTRATION, BUSINESS SERVICES, AND THE ACTIVITIES OF THE BOARD OF TRUSTEES; REQUIRING THE TRUSTEES OF A DISTRICT TO REQUEST VOTER APPROVAL FOR ANY ADMINISTRATION AND BUSINESS SERVICES EXPENSES THAT EXCEED 95 PERCENT OF THE AVERAGE EXPENDITURES IN CERTAIN PREVIOUS SCHOOL FISCAL YEARS;"

2. Title, page 3, line 7.

Following: the first "DATES"

Insert: ", A TERMINATION DATE,"

3. Page 85, line 8.

Following: line 7

Insert: "NEW SECTION. Section 36. Separate accounting for certain administrative expenses -- limitation on expenditure amount -- voter approval for excess expenditures in prior years. (1) The trustees of a district shall provide a separate accounting within the district budgeted funds for the purpose of recording certain district expenses incurred for general administration (function code 23XX), business support services (function code 25XX), and support services central (function code 28XX), as defined in the most recent edition of the Montana School Accounting Manual issued by the office of public instruction. The expenses include but are not limited to:

(a) the salaries, bonuses, education and training, office expenses, travel, and organizational memberships of the district

superintendent, the superintendent's staff, the district clerk or chief business official, and any business office staff;

(b) activities of the district board of trustees, including but not limited to travel and memberships in organizations;

(c) activities related to districtwide staff relations, including contract negotiations;

(d) staff and activities related to paying for transporting, exchanging, and maintaining goods and services for the district, including fiscal and internal services necessary for operating the district; and

(e) activities in support of central services for the district, including planning, research, development, evaluation, information, and data processing.

(2) Except as provided in subsection (3), the trustees of a district shall limit the expenditures for the current school fiscal year for the administrative expenses defined in subsection (1) to 95% of the average of the actual expenditures for those budget items in the 2 school fiscal years preceding the prior school fiscal year, beginning with an average for school fiscal years 1991 and 1992 for the school fiscal year beginning July 1, 1993.

(3) If the trustees of a district determine that it is necessary to exceed the limitation provided for in subsection (2) for the current school fiscal year, the amount of the excess expenditure may not be used to calculate the limitation provided for in subsection (2) for the ensuing school fiscal year, but an amount equal to or greater than the excess amount may be expended in the ensuing school fiscal year.

(4) (a) If an amount equal to or greater than the excess amount is expended in the ensuing school fiscal year, the trustees of the district shall for the following school fiscal year:

(i) reduce the administrative costs defined in subsection (1) by the sum of the excess amounts for the 2 school fiscal years in which the excess occurred; or

(ii) if an amount in excess of the limitations in subsection (1) is desired, submit a separate proposition to the electors within the additional levy ballot provided in 20-9-353 to approve the excess amount of financing as provided in subsection (3) and this subsection (4) for the following school fiscal year.

(b) The separate ballot within the additional levy ballot must state only the amount of money to be raised by additional property taxation for the total excess amount, the approximate number of mills required to raise the money, and the purpose for which the money will be expended. The separate ballot within the additional levy ballot must be in the following format:

PROPOSITION

Shall a portion of the additional levy be made to raise the sum of (state the amount to be raised by additional tax levy for the administrative expenses provided for in subsection (1)), being approximately (give number) mills, for the purpose of (insert the purpose for which the additional tax levy is made)?

[] FOR the levy.

[] AGAINST the levy."

Renumber: subsequent sections

4. Page 86, line 1.

Strike: "AND"

Insert: ", "

Following: "35"

Insert: ", and 36"

5. Page 86, line 3.

Strike: "AND"

Insert: ", "

6. Page 86, line 4.

Following: "35"

Insert: ", and 36"

7. Page 86.

Following: line 25

Insert: "NEW SECTION. Section 42. Termination. [Section 36] terminates June 30, 1995."

Amendment #10 passed as follows:

Ayes: Bachini, Bardanouve, Barnhart, Benedict, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cocchiarella, Daily, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Endy, Ewer, Feland, Fisher, Galvin, Gervais, Grimes, Grinde, Hansen, Harper, Harrington, Hibbard, J. Johnson, Kadas, Kasten, Keller, Knox, Larson, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, Pavlovich, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Simon, Spring, Squires, Stanford, Strizich, Toole, Tunby, Tuss, Vogel, Wallin, Wanzenried, Whalen, Wyatt, Mr. Speaker.

Total 70

Noes: Anderson, Barnett, Bergman, Cobb, Davis, Ellis, Fagg, Foster, Gilbert, Grady, H.S. Hanson, M. Hanson, Hayne, Herron, R. Johnson, Mason, T. Nelson, Orr, Peck, Rehbein, Schye, Simpkins, Smith, Stovall, Swanson, Tash, Wagner, Winslow, Wiseman, Zook.

Total 30

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Swanson moved HB 667, second reading copy, be further amended as follows (amendment #11):

1. Title, line 22.

Following: line 21

Insert: "PROVIDING MATCHING FUNDS FROM THE STATE EQUALIZATION AID ACCOUNT FOR THE SYSTEMIC INITIATIVE FOR MONTANA MATHEMATICS AND SCIENCE GRANT;"

2. Page 67, line 10.

Following: "aid"

Insert: ", matching funds from the state equalization aid account for the systemic initiative for Montana mathematics and science grant,"

3. Page 67, line 18.

Following: "biennium"

Insert: ", and for the biennium beginning July 1, 1993, 0.128% for equipment purchases that qualify as the state match for the systemic initiative for Montana mathematics and science grant"

Amendment #11 passed as follows:

Ayes: Anderson, Bachini, Bardanoue, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Peck, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 94

Noes: Daily, Gilbert, Harrington, Pavlovich, Rehbein.

Total 5

Excused: None.

Total 0

Absent or not voting: Feland.

Total 1

Representative McCulloch moved the House reconsider its action on HB 667, amendment #6, taken on second reading this legislative day. Motion failed. (34-65)

After a lengthy debate, Representative Elliott moved for cloture on HB 667. Motion carried.

Representative Fagg moved HB 667, as amended, do pass. Motion carried as follows:

Ayes: Anderson, Bardanoue, Barnett, Benedict, Bergman, Boharski, Bohlinger, Brandewie, Clark, Cobb, DeBruycker, Ellis, Fagg, Feland, Fisher, Foster, Gilbert, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Mason, Mills, Molnar, T. Nelson, Orr, Peck, Peterson, Raney, J. Rice, Rose, Sayles, Simon, Simpkins, Smith, Spring, Stovall, Swanson, Tash, Tunby, Vogel, Wagner, Wallin, Winslow, Zook, Mr. Speaker.



Total 56

Noes: Bachini, Barnhart, Bergsagel, Bird, Brooke, Brown, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Endy, Ewer, Galvin, Gervais, Hansen, Harper, Harrington, Larson, McCaffree, McCarthy, McCulloch, Menahan, L. Nelson, Pavlovich, Quilici, Ream, Rehbein, S. Rice, Russell, Ryan, Schwinden, Schye, Squires, Stanford, Strizich, Toole, Tuss, Wanzenried, Whalen, Wyatt.

Total 43

Excused: None.

Total 0

Absent or not voting: Wiseman.

Total 1

**HB 471** - Representative Simpkins moved consideration of HB 471 be placed at the bottom of the second reading board. Motion carried.

**HB 145** - Representative Cobb moved HB 145 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, Mills, Molnar, L. Nelson, T. Nelson, Orr, Peck, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 92

Noes: Bardanouve, Harrington, Pavlovich, Rehbein.

Total 4

Excused: None.

Total 0

Absent or not voting: McCulloch, Menahan, Schwinden, Whalen.

Total 4

**HB 483** - Representative Toole moved HB 483 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Clark, Cobb, Cocchiarella, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Keller, Knox, Larson, Mason,

McCaffree, McCarthy, McCulloch, Mills, Molnar, L. Nelson, T. Nelson, Orr, Peck, Peterson, Raney, Ream, Rehbein, J. Rice, Rose, Russell, Ryan, Sayles, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Vogel, Wagner, Wallin, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 87

Noes: Brown, Daily, Harrington, Kadas, Kasten, Menahan, Pavlovich, Quilici, S. Rice, Tuss, Whalen.

Total 11

Excused: None.

Total 0

Absent or not voting: Schwinden, Wanzenried.

Total 2

**HB 608** - Representative Bergsagel moved HB 608, second reading copy, be amended as follows (amendment #1):

1. Strip committee of the whole amendments dated March 23, 1993, 12:50 p.m. and 1:40 p.m. in their entirety.

2. Title, line 8.

Following: ";

Insert: "ALLOCATING A PORTION OF THE RESOURCE INDEMNITY TAX PROCEEDS;"

3. Title, line 19.

Following: "~~15-38-106~~;"

Insert: "15-38-106,"

4. Title, line 25.

Following: "~~90-2-1104~~;"

Insert: "90-2-1104,"

5. Title, page 2, line 5.

Following: "DATES"

Insert: "AND A TERMINATION DATE"

6. Page 4.

Following: line 6

Insert: "Resource indemnity tax proceeds are allocated to the renewable resource grant and loan program and the reclamation and development grants state special revenue accounts. This will ensure funding for the operation of state natural resource agencies."

7. Page 6.

Following: line 18

Insert: "Section 1. Section 15-38-106, MCA, is amended to read:

"15-38-106. (Temporary) Payment of tax -- records -- collection of taxes -- refunds. (1) The tax imposed by this chapter

shall be paid by each person to which the tax applies, on or before March 31, on the value of product in the year preceding January 1 of the year in which the tax is paid. The tax shall be paid to the department at the time the statement of yield for the preceding calendar year is filed with the department.

(2) The department shall deposit the proceeds of the tax in the resource indemnity trust fund of the nonexpendable trust fund type. Every person to whom the tax applies shall keep records in accordance with 15-38-105, and the records are subject to inspection by the department upon reasonable notice during normal business hours.

(3) The department shall examine the statement and compute the taxes thereon, and the amount computed by the department shall be the taxes imposed, assessed against, and payable by the taxpayer. If the tax found to be due is greater than the amount paid, the excess shall be paid by the taxpayer to the department within 30 days after written notice of the amount of deficiency is mailed by the department to the taxpayer. If the tax imposed is less than the amount paid, the difference must be applied as a tax credit against tax liability for subsequent years or refunded if requested by the taxpayer.

15-38-106. (Effective July 1, 1993) Payment of tax -- records -- collection of taxes -- refunds. (1) The tax imposed by this chapter ~~shall~~ must be paid by each person to which the tax applies, on or before March 31, on the value of product in the year preceding January 1 of the year in which the tax is paid. The tax ~~shall~~ must be paid to the department at the time the statement of yield for the preceding calendar year is filed with the department.

(2) The department shall deposit the proceeds of the tax in the resource indemnity trust fund of the nonexpendable trust fund type, except that:

(a) 14.1% of the proceeds must be deposited in the ground water assessment account established by 85-2-905;

(b) 15% of the proceeds must be deposited in the renewable resource grant and loan program state special revenue account established by 85-1-604; and

(c) 15% of the proceeds must be deposited in the reclamation and development grants account established by 90-2-1104.

(3) Every person to whom the tax applies shall keep records in accordance with 15-38-105, and the records are subject to inspection by the department upon reasonable notice during normal business hours.

(3)(4) The department shall examine the statement and compute the taxes ~~thereon~~, and the amount computed by the department ~~shall~~ must be the taxes imposed, assessed against, and payable by the taxpayer. If the tax found to be due is greater than the amount paid, the excess ~~shall~~ must be paid by the taxpayer to the department within 30 days after written notice of the amount of deficiency is mailed by the department to the taxpayer. If the tax imposed is less than the amount paid, the difference must be applied as a tax credit against tax liability for subsequent years or refunded if requested by the taxpayer."

Section 2. Section 15-38-106, MCA, is amended to read:

"15-38-106. (Temporary) Payment of tax -- records -- collection of taxes -- refunds. (1) The tax imposed by this chapter shall be paid by each person to which the tax applies, on or before March 31, on the value of product in the year preceding January 1 of the year in which the tax is paid. The tax shall be paid to the department at the time the statement of yield for the preceding calendar year is filed with the department.

(2) The department shall deposit the proceeds of the tax in the resource indemnity trust fund of the nonexpendable trust fund type. Every person to whom the tax applies shall keep records in accordance with 15-38-105, and the records are subject to inspection by the department upon reasonable notice during normal business hours.

(3) The department shall examine the statement and compute the taxes thereon, and the amount computed by the department shall be the taxes imposed, assessed against, and payable by the taxpayer. If the tax found to be due is greater than the amount paid, the excess shall be paid by the taxpayer to the department within 30 days after written notice of the amount of deficiency is mailed by the department to the taxpayer. If the tax imposed is less than the amount paid, the difference must be applied as a tax credit against tax liability for subsequent years or refunded if requested by the taxpayer.

15-38-106. (Effective July 1, ~~1993~~ 1995) Payment of tax -- records -- collection of taxes -- refunds. (1) The tax imposed by this chapter ~~shall~~ must be paid by each person to which the tax applies, on or before March 31, on the value of product in the year preceding January 1 of the year in which the tax is paid. The tax ~~shall~~ must be paid to the department at the time the statement of yield for the preceding calendar year is filed with the department.

(2) The department shall deposit the proceeds of the tax in the resource indemnity trust fund of the nonexpendable trust fund type, except that:

(a) 14.1% of the proceeds must be deposited in the ground water assessment account established by 85-2-905;

(b) 10% of the proceeds must be deposited in the renewable resource grant and loan program state special revenue account established by 85-1-604; and

(c) 30% of the proceeds must be deposited in the reclamation and development grants account established by 90-2-1104.

(3) Every person to whom the tax applies shall keep records in accordance with 15-38-105, and the records are subject to inspection by the department upon reasonable notice during normal business hours.

~~(3)~~(4) The department shall examine the statement and compute the taxes ~~thereon~~, and the amount computed by the department ~~shall~~ must be the taxes imposed, assessed against, and payable by the taxpayer. If the tax found to be due is greater than the amount paid, the excess ~~shall~~ must be paid by the taxpayer to the department within 30 days after written notice of the amount of deficiency is mailed by the department to the



taxpayer. If the tax imposed is less than the amount paid, the difference must be applied as a tax credit against tax liability for subsequent years or refunded if requested by the taxpayer.'"

Renumber: subsequent sections

8. Page 7, line 17.

Strike: "\$1,600,000"

Insert: "\$1,025,000"

9. Page 7, line 21.

Strike: "\$2,400,000"

Insert: "\$2,200,000"

10. Page 8, line 3.

Strike: "\$400,000"

Insert: "\$250,000"

11. Page 8, line 14.

Strike: "SIXTEEN"

Insert: "Fifteen"

12. Page 8, line 22.

Strike: "FORTY"

Insert: "Forty-one and one-half"

13. Page 9, line 1.

Strike: "SIX"

Insert: "Five and one-half"

14. Page 54.

Following: line 25

Insert: "Section 33. Section 90-2-1104, MCA, is amended to read:

"90-2-1104. Reclamation and development grants account. (1) There is a reclamation and development grants special revenue account within the state special revenue fund established in 17-2-102.

(2) There must be paid into the reclamation and development grants account money allocated from:

(a) the interest income of the resource indemnity trust fund under the provisions of 15-38-202; and

(b) the resource indemnity trust tax under the provisions of 15-38-106.

(3) Appropriations may be made from the reclamation and development grants account for the following purposes:

(a) grants for designated projects; and

(b) administrative expenses, including the salaries and expenses of personnel, equipment, office space, and other expenses necessarily incurred in the administration of the grants program.

These expenses may be funded prior to funding of projects.'"

Renumber: subsequent sections

15. Page 65, line 5.

Following: "1"

Insert: ", "  
Strike: "and"  
Following: "2"  
Insert: ", and 5"  
Strike: "33"  
Insert: "36"

16. Page 65, line 7.  
Strike: "Section"  
Insert: "Sections"  
Following: "2"  
Insert: "and 4"  
Strike: "is"  
Insert: "are"

17. Page 65.  
Following: line 7  
Insert: "NEW SECTION. Section 37. Termination. [Section 1] terminates  
June 30, 1995."

Amendment #1 passed as follows:

Ayes: Anderson, Bachini, Barnett, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brown, Clark, Daily, Davis, DeBruycker, Elliott, Endy, Ewer, Fagg, Fisher, Foster, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCarthy, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Ream, Rehbein, J. Rice, S. Rice, Rose, Sayles, Simon, Simpkins, Smith, Spring, Squires, Stovall, Strizich, Swanson, Tash, Tunby, Vogel, Wagner, Wallin, Wanzenried, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 74

Noes: Bardanouve, Barnhart, Brooke, Cobb, Cocchiarella, Dolezal, Dowell, Driscoll, Gervais, Harper, McCaffree, McCulloch, Menahan, Mills, Raney, Russell, Schwinden, Schye, Stanford, Toole.  
Total 20

Excused: None.  
Total 0

Absent or not voting: Ellis, Feland, Galvin, Ryan, Tuss, Whalen.  
Total 6

Representative Bergsagel moved HB 608, as amended, do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Barnett, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brown, Clark, Daily, Elliott, Ellis, Endy, Fagg, Feland, Fisher, Foster, Galvin, Gilbert, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Harrington, Hayne, Herron, Hibbard, R. Johnson, Kasten, Keller, Knox, Mason, Mills, Molnar, L. Nelson, T. Nelson, Orr, Peck, Peterson, Rehbein, Rose, Sayles, Simon, Simpkins, Smith, Spring, Stovall,

Swanson, Tash, Tunby, Vogel, Wagner, Wallin, Wanzenried, Winslow, Wiseman, Zook, Mr. Speaker.  
Total 62

Noes: Bardanouve, Barnhart, Brooke, Cobb, Cocchiarella, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Ewer, Gervais, Hansen, Harper, J. Johnson, Larson, McCaffree, McCarthy, McCulloch, Menahan, Pavlovich, Quilici, Raney, Ream, J. Rice, S. Rice, Russell, Ryan, Schwinden, Schye, Squires, Stanford, Strizich, Toole, Tuss, Whalen, Wyatt.  
Total 37

Excused: None.  
Total 0

Absent or not voting: Kadas.  
Total 1

**HB 652** - Representative Ream moved HB 652, second reading copy, be amended as follows (amendment #1):

1. Title, lines 8 and 9.  
Strike: "A PERCENTAGE"  
Insert: "AN AMOUNT"

2. Page 2, line 17.  
Strike: "Six percent"  
Insert: "The amount of \$290,000 per year"

Amendment #1 passed as follows:

Ayes: Bardanouve, Barnhart, Bird, Boharski, Brooke, Brown, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Endy, Ewer, Galvin, Gervais, Hansen, Harper, Harrington, J. Johnson, Kadas, Kasten, Larson, McCaffree, McCarthy, McCulloch, Menahan, Molnar, L. Nelson, Pavlovich, Peck, Quilici, Raney, Ream, J. Rice, S. Rice, Russell, Ryan, Schwinden, Schye, Simon, Squires, Stanford, Strizich, Swanson, Toole, Tuss, Wanzenried, Whalen, Wyatt.  
Total 52

Noes: Anderson, Bachini, Barnett, Benedict, Bergman, Bergsagel, Bohlinger, Brandewie, Clark, DeBruycker, Ellis, Feland, Fisher, Foster, Gilbert, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Herron, Hibbard, R. Johnson, Keller, Knox, Mason, Mills, T. Nelson, Orr, Peterson, Rehbein, Rose, Sayles, Simpkins, Smith, Spring, Stovall, Tash, Tunby, Vogel, Wagner, Wallin, Winslow, Wiseman, Zook, Mr. Speaker.  
Total 47

Excused: None.  
Total 0

Absent or not voting: Fagg.  
Total 1

Representative Larson moved HB 652, as amended, do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Grady, Grimes, Grinde, Hansen, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 90

Noes: Bardanouve, Bergsagel, Gilbert, H.S. Hanson, Kadas, Kasten, Rehbein, Simpkins, Vogel.  
Total 9

Excused: None.  
Total 0

Absent or not voting: Brooke.  
Total 1

**HB 540** - Representative Bachini moved HB 540 do pass. Motion failed as follows:

Ayes: Bachini, Barnett, Bergsagel, Brandewie, Brown, Daily, DeBruycker, Dolezal, Driscoll, Galvin, Gervais, Grinde, Harrington, Hibbard, Knox, Larson, McCaffree, McCarthy, Pavlovich, Peck, Quilici, Rehbein, Spring, Wallin, Wyatt, Zook.  
Total 26

Noes: Anderson, Bardanouve, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brooke, Clark, Cobb, Cocchiarella, Davis, Dowell, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Gilbert, Grady, Grimes, Hansen, H.S. Hanson, M. Hanson, Harper, Hayne, Herron, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Mason, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Peterson, Raney, Ream, J. Rice, S. Rice, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wanzenried, Whalen, Winslow, Wiseman, Mr. Speaker.  
Total 73

Excused: None.  
Total 0

Absent or not voting: Rose.  
Total 1



Representative Grinde moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman J. Rice moved the adoption of the committee report. Report adopted. (64-34)

### REPORTS OF STANDING COMMITTEES

BILLS (Hayne, Chairman): 3/25/93

Signed by the Speaker at 5:00 p.m., March 24, 1993: HB 171, HB 363, HB 364, HB 371, HB 381, HB 414, HB 417, HB 432, HB 538, HB 595, HB 621, HJR 10, HJR 11, HJR 16, HJR 20, HJR 23.

Signed by the Speaker at 3:15 p.m., March 25, 1993: SB 46, SB 168, SB 173, SB 194, SB 199, SB 269, SB 272, SB 282, SB 411, SJR 14.

Delivered to the Governor for his approval at 1:30 p.m., March 25, 1993: HB 230, HB 244, HB 247, HB 250, HB 256, HB 269, HB 290, HB 292, HB 293, HB 295, HB 298, HB 300, HB 304, HB 306, HB 309.

Delivered to the Governor for his approval at 4:40 p.m., March 25, 1993: HB 171, HB 279, HB 363, HB 371, HB 381, HB 414, HB 432, HB 490, HB 499, HB 538, HB 573, HB 595, HB 621.

EDUCATION AND CULTURAL RESOURCES (H. S. Hanson, Chairman): 3/25/93

**SB 31**, third reading copy, be concurred in. Report adopted.

JUDICIARY (Fagg, Chairman): 3/25/93

**SB 153**, third reading copy, be amended as follows:

1. Page 10, line 14.

Following: "~~\$250~~"

Insert: "not less than \$250 or more than"

2. Page 10, line 17.

Strike: "~~\$750~~"

Insert: "\$350"

3. Page 10, line 19.

Strike: "~~\$1,000~~"

Insert: "\$500"

4. Page 10, line 20.

Strike: "~~30~~"

Insert: "10"

5. Page 11, line 4.

Following: "FAMILY"

Insert: "or by a person whose operation of that vehicle was authorized by the registered owner"

And, as amended, be concurred in. Report adopted.

**SB 217**, third reading copy, be amended as follows: 3/24/93

1. Page 2, line 20.

Following: "income."

Insert: "The Montana supreme court is urged to consider adopting rules that apply [sections 1 through 9] to attorneys."

And, as amended, be concurred in. Report adopted.

**SB 260**, third reading copy, be concurred in. Report adopted.

**SB 392**, third reading copy, be amended as follows:

1. Title, lines 5 through 7.

Strike: "ALLOWING" on line 5 through "ORDERS;" on line 7

2. Page 1, lines 13 through 25.

Strike: section 1 in its entirety

Renumber: subsequent sections

3. Page 2, line 21.

Strike: "AFTER A GOOD FAITH EFFORT TO DO SO,"

4. Page 8, lines 10 through 13.

Strike: "In" on line 10 through end of line 13

5. Page 9, line 3.

Following: "support"

Insert: "under a court or administrative order"

Following: "months"

Insert: "or more"

6. Page 10, line 25.

Following: "made"

Insert: "for the benefit of a child"

7. Page 11, lines 1 and 2.

Following: "53" on line 1

Strike: "for the support or aid of any person"

8. Page 11, line 4.

Strike: "person"

Insert: "child"

9. Page 11, lines 17 through 21.

Strike: "(1)" on line 17 through "(2)" on line 21

10. Page 11, lines 21 and 23.

Strike: "2"

Insert: "1"

And, as amended, be concurred in. Report adopted.

**SB 408**, third reading copy, be amended as follows:

3/24/93

1. Page 4, lines 10 through 13.

Strike: "The" on line 10 through the end of line 13

And, as amended, be concurred in. Report adopted.

**SB 425**, third reading copy, be concurred in. Report adopted. 3/24/93

**SJR 15**, third reading copy, be concurred in. Report adopted.

Adverse Committee Report

**SB 368**, third reading copy, be amended as follows:

1. Page 4, line 23.

Following: "writing."

Insert: "The governor shall confer with affected local governments and residents before issuing a proclamation."

2. Page 5, line 6.

Following: "agree."

Insert: "The governor shall confer with affected local governments and residents before issuing a proclamation."

And, as amended, be not concurred in.

### THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 361** passed as follows:

Ayes: Anderson, Bardanouve, Barnett, Benedict, Bergman, Bergsagel, Boharski, Bohlinger, Brandewie, Brooke, Clark, Cobb, DeBruycker, Elliott, Ellis, Ewer, Fagg, Feland, Fisher, Foster, Gilbert, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Harper, Hayne, Herron, Hibbard, R. Johnson, Kasten, Keller, Knox, Mason, Mills, Molnar, L. Nelson, T. Nelson, Orr, Peck, Peterson, Quilici, Ream, Rehbein, J. Rice, S. Rice, Rose, Sayles, Simon, Simpkins, Smith, Spring, Stovall, Swanson, Tash, Tunby, Vogel, Wagner, Wallin, Winslow, Wiseman, Zook, Mr. Speaker.

Total 64

Noes: Bachini, Barnhart, Bird, Brown, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Endy, Galvin, Gervais, Hansen, Harrington, J. Johnson, Kadas, Larson, McCaffree, McCarthy, McCulloch, Menahan, Pavlovich, Raney, Ryan, Schwinden, Schye, Squires, Stanford, Strizich, Toole, Tuss, Wanzenried, Wyatt.

Total 34

Excused: None.

Total 0

Absent or not voting: Russell, Whalen.

Total 2

**HB 453** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Schwinden, Schye, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 94

Noes: Barnhart, Sayles.  
Total 2

Excused: None.  
Total 0

Absent or not voting: Hansen, Larson, Simon, Swanson.  
Total 4

**HB 622** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 98

Noes: None.  
Total 0

Excused: None.  
Total 0

Absent or not voting: Ellis, Kadas.  
Total 2

**SB 163** concurred in as follows:



Ayes: Anderson, Bachini, Bardanoue, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Tash, Toole, Tunby, Tuss, Vogel, Wagnèr, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 94

Noes: DeBruycker, Feland, Gilbert, Rehbein.

Total 4

Excused: None.

Total 0

Absent or not voting: Harrington, Swanson.

Total 2

**SB 164** concurred in as follows:

Ayes: Anderson, Bachini, Bardanoue, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 100

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 347** concurred in as follows:

Ayes: Anderson, Barnett, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brooke, Clark, Cobb, DeBruycker, Elliott, Ellis, Fagg, Feland,

Fisher, Foster, Gilbert, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Herron, Hibbard, R. Johnson, Kasten, Keller, Knox, Mason, Mills, Molnar, L. Nelson, T. Nelson, Orr, Peck, Peterson, Quilici, Rehbein, J. Rice, Rose, Sayles, Simon, Simpkins, Smith, Spring, Stovall, Swanson, Tash, Tunby, Vogel, Wagner, Wallin, Winslow, Wiseman, Zook, Mr. Speaker.  
Total 59

Noes: Bachini, Bardanouve, Barnhart, Brown, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Endy, Ewer, Galvin, Gervais, Hansen, Harper, Harrington, J. Johnson, Kadas, Larson, McCaffree, McCarthy, McCulloch, Menahan, Pavlovich, Raney, Ream, S. Rice, Russell, Ryan, Schwinden, Schye, Squires, Stanford, Strizich, Toole, Tuss, Wanzenried, Whalen, Wyatt.  
Total 40

Excused: None.  
Total 0

Absent or not voting: Brandewie.  
Total 1

**SB 394** concurred in as follows:

Ayes: Bachini, Bardanouve, Barnett, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Clark, Daily, Davis, DeBruycker, Driscoll, Elliott, Ellis, Endy, Fagg, Feland, Fisher, Foster, Gervais, Gilbert, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kasten, Keller, Knox, Larson, Mason, McCaffree, Mills, Molnar, L. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Rehbein, Rose, Russell, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Stovall, Swanson, Tash, Toole, Tunby, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Zook, Mr. Speaker.  
Total 73

Noes: Anderson, Barnhart, Brown, Cobb, Cocchiarella, Dolezal, Dowell, Ewer, Galvin, Hansen, Harper, Harrington, Kadas, McCarthy, McCulloch, Menahan, T. Nelson, Raney, Ream, J. Rice, S. Rice, Ryan, Squires, Stanford, Strizich, Tuss, Wyatt.  
Total 27

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 504** passed as follows:

Ayes: Anderson, Benedict, Bergman, Bergsagel, Boharski, Bohlinger, Brandewie, Clark, Cobb, DeBruycker, Ellis, Fagg, Feland, Fisher, Foster, Gilbert, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Herron, Hibbard, R. Johnson, Kasten, Keller, Knox, Mills, T. Nelson, Orr, Peterson, Rehbein, J. Rice, Rose, Sayles, Simon, Simpkins, Spring, Stovall, Tash, Tunby, Vogel, Wagner, Wallin, Winslow, Zook, Mr. Speaker.

Total 48

Noes: Bachini, Bardanouve, Bird, Brooke, Brown, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ewer, Galvin, Gervais, Harper, Harrington, J. Johnson, Kadas, Larson, McCaffree, McCarthy, McCulloch, Menahan, Molnar, L. Nelson, Pavlovich, Peck, Quilici, Raney, Ream, S. Rice, Russell, Ryan, Schwinden, Schye, Smith, Squires, Stanford, Strizich, Swanson, Toole, Tuss, Wanzenried, Whalen, Wyatt.

Total 46

Excused: None.

Total 0

Absent or not voting: Barnett, Barnhart, Endy, Hansen, Mason, Wiseman.

Total 6

**HB 13** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 96

Noes: DeBruycker, Rehbein.

Total 2

Excused: None.

Total 0

Absent or not voting: Rose, Swanson.

Total 2

**HB 587** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich,

Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 96

Noes: DeBruycker, Kasten.

Total 2

Excused: None.

Total 0

Absent or not voting: Harrington, Whalen.

Total 2

**HB 511** passed as follows:

Ayes: Bardanouve, Barnett, Barnhart, Bergsagel, Bird, Bohlinger, Brandewie, Brooke, Clark, Cobb, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Galvin, Gervais, Gilbert, Grady, Grimes, Hansen, M. Hanson, Harper, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Larson, McCaffree, McCarthy, Menahan, Molnar, T. Nelson, Peck, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Sayles, Schwinden, Schye, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Tunby, Vogel, Wallin, Wanzenried, Whalen, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 71

Noes: Anderson, Bachini, Benedict, Bergman, Boharski, Brown, Cocchiarella, Daily, Feland, Foster, Grinde, H.S. Hanson, Harrington, Kasten, Knox, McCulloch, Mills, L. Nelson, Orr, Pavlovich, Rehbein, Russell, Ryan, Simon, Toole, Tuss, Wagner, Winslow.

Total 28

Excused: None.

Total 0

Absent or not voting: Mason.

Total 1

**HB 642** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnhart, Bird, Bohlinger, Brandewie, Brooke, Brown, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Endy, Ewer, Fagg, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, Harper, Harrington, Herron, Hibbard, J. Johnson, Kadas, Keller, Knox, Larson, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wanzenried, Whalen, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 77



Noes: Barnett, Benedict, Bergman, Bergsagel, Boharski, Clark, Ellis, Feland, Fisher, M. Hanson, Hayne, R. Johnson, Kasten, Mason, T. Nelson, Orr, Rehbein, Rose, Smith, Spring, Wagner, Wallin, Winslow.  
Total 23

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 667** passed as follows:

Ayes: Anderson, Barnett, Benedict, Bergman, Boharski, Bohlinger, Brandewie, Cobb, DeBruycker, Ellis, Fagg, Feland, Fisher, Foster, Gilbert, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Mason, Mills, Molnar, T. Nelson, Orr, Peck, Peterson, Raney, J. Rice, Rose, Sayles, Simon, Simpkins, Smith, Spring, Squires, Stovall, Tash, Tunby, Vogel, Wagner, Wallin, Winslow, Wiseman, Zook, Mr. Speaker.  
Total 55

Noes: Bachini, Barnhart, Bergsagel, Bird, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Endy, Ewer, Galvin, Gervais, Hansen, Harper, Harrington, Larson, McCaffree, McCarthy, McCulloch, Menahan, L. Nelson, Pavlovich, Quilici, Ream, Rehbein, S. Rice, Russell, Ryan, Schwinden, Schye, Stanford, Strizich, Toole, Tuss, Wanzenried, Whalen, Wyatt.  
Total 43

Excused: None.

Total 0

Absent or not voting: Bardanouve, Swanson.

Total 2

**HB 145** passed as follows:

Ayes: Anderson, Bachini, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Russell, Ryan, Sayles, Schye, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 95

Noes: Bardanouve, Harrington, Rose, Schwinden.

Total 4

Excused: None.

Total 0

Absent or not voting: Simon.

Total 1

**HB 65** passed as follows:

Ayes: Anderson, Bardanouve, Barnett, Barnhart, Benedict, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Keller, Knox, Larson, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Smith, Spring, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 85

Noes: Bachini, Bergman, Feland, Gilbert, Harper, Kadas, Kasten, McCaffree, Peck, Peterson, Vogel, Wagner.

Total 12

Excused: None.

Total 0

Absent or not voting: Mason, Simpkins, Squires.

Total 3

**HB 483** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Mills, Molnar, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, Rose, Russell, Ryan, Sayles, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Vogel, Wallin, Wanzenried, Winslow, Wiseman, Zook, Mr. Speaker.

Total 88

Noes: Brown, Driscoll, Kadas, Kasten, Menahan, S. Rice, Schwinden, Tuss, Wagner, Whalen, Wyatt.

Total 11

Excused: None.

Total 0

Absent or not voting: L. Nelson.

Total 1

**HB 9** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, Dolezal, Dowell, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, L. Nelson, T. Nelson, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wallin, Wanzenried, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 87

Noes: Cobb, DeBruycker, Driscoll, Feland, Gilbert, Kasten, Molnar, Orr, Peterson, Strizich, Wagner, Whalen.

Total 12

Excused: None.

Total 0

Absent or not voting: Bird.

Total 1

**HB 608** passed as follows:

Ayes: Anderson, Bachini, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brown, Clark, Daily, Elliott, Ellis, Endy, Fagg, Feland, Fisher, Foster, Galvin, Gilbert, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Harrington, Hayne, Herron, Hibbard, R. Johnson, Kasten, Keller, Knox, Larson, Mason, McCarthy, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Rehbein, S. Rice, Rose, Sayles, Simon, Simpkins, Smith, Spring, Stovall, Swanson, Tash, Tunby, Vogel, Wallin, Wanzenried, Winslow, Wiseman, Zook, Mr. Speaker.

Total 67

Noes: Bardanouve, Brooke, Cobb, Cocchiarella, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Ewer, Gervais, Hansen, Harper, J. Johnson, Kadas, McCaffree, McCulloch, Menahan, Raney, Ream, J. Rice, Russell, Ryan, Schwinden, Schye, Squires, Stanford, Strizich, Toole, Tuss, Whalen, Wyatt.

Total 32

Excused: None.

Total 0

Absent or not voting: Wagner.

Total 1

**HB 652** passed as follows:

Ayes: Anderson, Bachini, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 94

Noes: Bardanouve, Gilbert, Kadas, Kasten.

Total 4

Excused: None.

Total 0

Absent or not voting: Brooke, Elliott.

Total 2

### MOTIONS

Representative Barnett moved he be allowed to change his vote on HB 504, third reading, from absent to aye. Motion carried.

Representative Sayles moved he be allowed to change his vote on HB 667, amendment #6, second reading, from no to aye. Motion carried.

Representative DeBruycker moved the House reconsider its action on HB 455 taken on second reading the previous legislative day. Motion carried. (54-44)

Representative Squires moved she be allowed to change her vote on HB 667, third reading, from aye to no. Motion carried.

Representative Swanson moved she be allowed to change her vote on HB 667, third reading, from absent to aye. Motion carried.

Representative Grinde moved the House accede to the request of the Senate to appoint a free conference committee to meet with a like committee from the Senate to confer on SJR 3. Motion carried.

Mr. Speaker appointed the following members:

Representative Knox, Chairman

Representative Ream

Representative Wagner



HOUSE JOURNAL  
REGULAR SESSION

**ANNOUNCEMENTS**

Committee meetings were announced by committee chairmen.

Representative Grinde moved the House adjourn until 1:00 p.m., Friday, March 26, 1993. Motion carried.

House adjourned at 9:59 p.m.

John Mercer, Speaker

Marilyn Miller, Chief Clerk

## SIXTY-EIGHTH LEGISLATIVE DAY

Helena, Montana  
March 26, 1993

House Chambers  
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Representative Hayne. Pledge of Allegiance to the Flag.

Roll call. All members present except Barnhart, Fisher, R. Johnson, Mason, Squires, excused. Quorum present.

### REPORTS OF STANDING COMMITTEES

BILLS (Hayne, Chairman): 3/26/93  
Correctly engrossed for third reading: HB 9, HB 13, HB 65, HB 504, HB 511, HB 587, HB 642, SB 394.  
Signed by the Speaker at 4:00 p.m., 3/25/93: SB 63, SB 68, SB 103, SB 124, SB 125, SB 149, SB 190, SB 192, SB 214, SB 225, SB 244, SB 275, SB 322, SB 325, SB 350, SB 361, SB 385, SB 418, SJR 16.

BUSINESS AND ECONOMIC DEVELOPMENT (Benedict, Chairman): 3/26/93

**SB 314**, third reading copy, be amended as follows:

1. Page 1, line 24.

Following: "duties"

Insert: " in relation to portfolio registration. Any excess fees must be deposited in the general fund"

And, as amended, be concurred in. Report adopted.

LOCAL GOVERNMENT (Wallin, Chairman): 3/26/93

**SB 157**, third reading copy, be concurred in and be placed on the consent calendar. Report adopted.

**SB 189**, third reading copy, be amended as follows:

1. Page 2, line 9.

Strike: "or"

Insert: "and"

2. Page 7, line 1.

Strike: "or"

Insert: "and"

And, as amended, be concurred in. Report adopted.

**SB 215**, third reading copy, be concurred in. Report adopted.

**SB 288**, third reading copy, be amended as follows:

1. Page 3, line 1.

Following: "means"

Insert: ": (a)"

2. Page 3, line 2.

Following: "district"

Insert: "; and"

(b) any subdivision of an entity named in subsection (1)(a)"

And, as amended, be concurred in. Report adopted.

**SB 298**, third reading copy, be concurred in and be placed on the consent calendar. Report adopted.

**SB 316**, third reading copy, be amended as follows:

1. Page 1, lines 21 through 24.

Strike: "The" on line 21 through "arranged." on line 24

2. Page 3, line 25.

Strike: "i."

3. Page 4, line 1.

Strike: "a"

4. Page 4, line 4.

Strike: ". and"

Insert: "."

5. Page 4, lines 5 through 7.

Strike: subsection (b) in its entirety

And, as amended, be concurred in. Report adopted.

**SB 332**, third reading copy, be amended as follows:

1. Title, line 14.

Following: "i"

Strike: "AND"

2. Title, line 15.

Following: "MCA"

Insert: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

3. Page 3, following line 11.

Insert: "NEW SECTION. Section 4. Effective date. [This act] is effective on passage and approval."

And, as amended, be concurred in. Report adopted.

**SB 358**, third reading copy, be amended as follows:

1. Page 1, line 17.

Strike: "an appraisal"

Insert: "two appraisals"

Strike: "a"

2. Page 1, line 18.

Strike: "appraiser"

Insert: "appraisers"

And, as amended, be concurred in. Report adopted.

**SB 364**, third reading copy, be amended as follows:

1. Page 2, line 5.

Following: line 4

Insert: "(4) This section does not affect or limit the authority of a municipality to enact zoning regulations, pursuant to subsections (1) and (2), to reduce traffic and parking congestion; to control noise in a neighborhood; to avoid undue concentration of population; to regulate the total number of persons, related or unrelated, residing in a dwelling; or to conserve property values."

And, as amended, be concurred in. Report adopted.

STATE ADMINISTRATION (Simpkins, Chairman):

3/26/93

Adverse Committee Report

**SB 130**, third reading copy, be amended as follows:

1. Title, line 9.

Following: "PROCESS;"

Insert: "SPECIFYING MINIMUM QUALIFICATIONS FOR THE COMMISSIONER;"

2. Page 1, line 15.

Following: "PROCESS"

Insert: "-- qualifications"

3. Page 1, line 22.

Strike: "two"

Insert: "three"

4. Page 2.

Following: line 16

Insert: "(3) An individual is not eligible to serve as commissioner unless the person:

(a) is at least 25 years of age at the time of the person's nomination;

(b) is a citizen of the United States;

(c) has been a resident of the state for at least 2 years immediately preceding the person's nomination; and

(d) has not held a publicly elected partisan office in the 4 years immediately preceding the person's nomination."

Renumber: subsequent subsection

And, as amended, be not concurred in.

TAXATION (Gilbert, Chairman):

3/26/93

**HB 687**, introduced bill, do pass. Report adopted.

**HB 688**, introduced bill, do pass. Report adopted.



## ADVERSE COMMITTEE REPORT

**SB 368** - Representative Fagg moved the 3/25/93 adverse committee report on SB 368 be adopted.

Representative Toole made a substitute motion the adverse committee report be not adopted and SB 368 be printed and placed on second reading.

Representative Clark made a motion for previous question.

Representative Brown made a motion for a call of the house.

Representative Brown withdrew his motion.

Representative Clark withdrew his motion.

The debate on SB 368 resumed.

Representative Wallin requested that a copy of SB 368 be distributed to all House members before a vote was taken.

Representative Daily made a motion for previous question. Motion carried.

Representative Toole moved his original motion that the adverse committee report be not adopted. Motion failed as follows:

Ayes: Bardanoue, Barnhart, Bird, Bohlinger, Brooke, Brown, Cocchiarella, Daily, Dolezal, Dowell, Driscoll, Elliott, Endy, Ewer, Galvin, Gervais, Hansen, Harper, Harrington, J. Johnson, Kadas, Larson, McCaffree, McCarthy, McCulloch, Menahan, L. Nelson, Pavlovich, Peck, Quilici, Raney, Ream, S. Rice, Russell, Ryan, Schwinden, Schye, Squires, Stanford, Stovall, Strizich, Swanson, Toole, Tuss, Wanzenried, Whalen, Wyatt.  
Total 47

Noes: Anderson, Barnett, Benedict, Bergman, Bergsagel, Boharski, Brandewie, Clark, Cobb, Davis, DeBruycker, Ellis, Fagg, Feland, Fisher, Foster, Gilbert, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Herron, Hibbard, R. Johnson, Kasten, Keller, Knox, Mason, Mills, Molnar, T. Nelson, Orr, Peterson, Rehbein, J. Rice, Rose, Sayles, Simon, Simpkins, Smith, Spring, Tash, Tunby, Vogel, Wagner, Wallin, Winslow, Wiseman, Zook, Mr. Speaker.  
Total 52

Voted Absentee: Barnhart, Squires, Ayes; Fisher, R. Johnson, Mason, Noes.

Excused: None.

Total 0

Absent or not voting: Bachini.

Total 1

Thereupon, the adverse committee report was adopted.

**MESSAGES FROM THE SENATE**

House bill not concurred in and returned to the House: 3/24/93

**HB 383**, introduced by Brandewie

House bills concurred in and returned to the House: 3/25/93

**HB 158**, introduced by Kadas

**HB 338**, introduced by Ream

**HB 441**, introduced by Rehbein

**HB 594**, introduced by Larson

**HJR 4**, introduced by Barnhart

House bills concurred in as amended and returned to the House for  
concurrence in Senate amendments: 3/25/93

**HB 23**, introduced by Peck

**HB 202**, introduced by Kadas

**HB 287**, introduced by Wiseman

**HB 449**, introduced by Brooke

**HB 485**, introduced by Grady

**HB 581**, introduced by S. Rice

House bill indefinitely postponed and returned to the House: 3/23/93

**HB 470**, introduced by Driscoll

Senate bills passed and transmitted to the House for concurrence: 3/25/93

**SB 396**, introduced by Forrester

**SB 427**, introduced by Halligan

**SB 429**, introduced by Gage

House amendments to Senate bills concurred in: 3/25/93

**SB 138**, introduced by Gage

**SB 139**, introduced by Towe

**SB 150**, introduced by Bartlett

**SB 218**, introduced by Kennedy

**MESSAGES FROM THE GOVERNOR**

The Honorable John Mercer March 25, 1993  
Speaker of the House  
State Capitol  
Helena, Montana 59620

Dear Representative Mercer:

Please be informed that I have signed House Bills 50, 66, 68, 82, 98, 110, 112, 129, 133, 153, 164, 187, and 213 on March 25, 1993.

Sincerely,

MARC RACICOT  
Governor

**FIRST READING AND COMMITMENT  
OF BILLS AND RESOLUTIONS**

The following House bills were introduced, read first time, and referred to committee:

**HB 690**, introduced by Wiseman (by request of the House Appropriations Committee), referred to Committee on Appropriations

**HB 691**, introduced by Cobb (by request of the House Appropriations Committee), referred to Committee on Appropriations

**HJR 26**, introduced by Bachini, Hockett, Peck, Jergeson, Galvin, Pavlovich, Mercer, referred to Committee on Business and Economic Development

The following Senate bills were introduced, read first time, and referred to committee:

**SB 396**, introduced by Forrester, referred to Committee on Natural Resources

**SB 427**, introduced by Halligan (by request of the Senate Taxation Committee), referred to Committee on Taxation

**SB 429**, introduced by Gage (by request of the Senate Taxation Committee), referred to Committee on Taxation

**ANNOUNCEMENTS**

Committee meetings were announced by committee chairmen.

Representative Grinde moved the House adjourn until 8:00 a.m., Saturday, March, 27, 1993. Motion carried.

House adjourned at 3:24 p.m.

John Mercer, Speaker

Marilyn Miller, Chief Clerk









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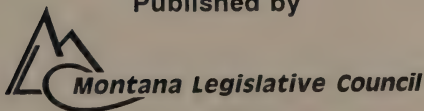
**HOUSE JOURNAL**  
**of the**  
**FIFTY-THIRD LEGISLATURE**  
**of the**  
**STATE OF MONTANA**  
  
**VOLUME III**

Held in Helena, the Seat of Government  
Commencing in Regular Session January 4, 1993,  
and Ending April 24, 1993

**JOHN MERCER**  
Speaker of the House

**MARILYN MILLER**  
Chief Clerk of the House

Published by







## SIXTY-NINTH LEGISLATIVE DAY

Helena, Montana  
March 27, 1993

House Chambers  
State Capitol

House convened at 8:00 a.m. Mr. Speaker in the Chair. Invocation by Representative Barnhart. Pledge of Allegiance to the Flag.

Roll call. All members present except Dowell, Elliott, Ellis, Fisher, R. Johnson, Mason, McCulloch, Molnar, Orr, Schwinden, Whalen, excused. Quorum present.

Mr. Speaker: We, your committee on Legislative Administration/Bills and Journal, having examined the daily journal for the sixty-second legislative day, find the same to be correct.

Harriet Hayne, Chairman

Mr. Speaker introduced this week's pages:

Angel Maas, Helena (permanent page)  
Annette M. Neer, Sidney  
Lynn M. Daily, Butte  
Michelle Daily, Butte  
Shannon D. Henkel, Helena  
Matt Vogel, Billings  
Michelle Olson, Malta  
Sylvan Stoneberg, Hinsdale  
Heidi Heitzman, Shonkin

### Honorary Pages

Leslie Toussaint, Missoula  
Marissa Badzioch, Missoula  
Megan Twohig, Missoula  
Gale Bevington, Missoula  
Darius Price, Lambert  
Tennia Schanz, Bozeman

## REPORTS OF STANDING COMMITTEES

BILLS (Hayne, Chairman): 3/27/93

Correctly printed for second reading: HB 673, HB 687, HB 688.

Correctly engrossed for third reading: SB 157, SB 298.

Examined by the sponsor and found to be correct:

HB 232 - Clark

HB 336 - Bird

HB 349 - Ryan

## ADVERSE COMMITTEE REPORT

**SB 130** - Representative Gilbert moved the 3/26/93 adverse committee report on SB 130 be adopted.

Representative Harper made a substitute motion the adverse committee report be not adopted and SB 130 be printed and placed on second reading. Motion failed as follows:

Ayes: Bachini, Bardanouve, Barnhart, Brooke, Brown, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Endy, Ewer, Galvin, Gervais, Hansen, Harper, Harrington, J. Johnson, Kadas, Larson, McCaffree, McCarthy, McCulloch, Menahan, L. Nelson, Pavlovich, Peck, Quilici, Raney, Ream, S. Rice, Russell, Ryan, Schwinden, Schye, Smith, Squires, Stanford, Strizich, Swanson, Toole, Tuss, Wallin, Wanzenried, Whalen, Wyatt.

Total 48

Noes: Anderson, Barnett, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Clark, Cobb, DeBruycker, Ellis, Fagg, Feland, Fisher, Foster, Gilbert, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Herron, Hibbard, R. Johnson, Kasten, Keller, Knox, Mason, Mills, T. Nelson, Orr, Peterson, Rehbein, J. Rice, Rose, Sayles, Simon, Simpkins, Spring, Stovall, Tash, Tunby, Vogel, Wagner, Winslow, Wiseman, Zook, Mr. Speaker.

Total 51

Voted Absentee: Dowell, Elliott, McCulloch, Schwinden, Whalen, Ayes; Ellis, Fisher, R. Johnson, Mason, Orr, Noes.

Excused: Molnar.

Total 1

Absent or not voting: None.

Total 0

Thereupon, the adverse committee report was adopted.

### MESSAGES FROM THE SENATE

House bills concurred in and returned to the House:

3/26/93

**HB 21**, introduced by Menahan  
**HB 64**, introduced by Grady  
**HB 102**, introduced by Schye  
**HB 107**, introduced by Cobb  
**HB 118**, introduced by Cocchiarella  
**HB 148**, introduced by Ellis  
**HB 489**, introduced by R. Johnson  
**HB 491**, introduced by Simon  
**HB 506**, introduced by Tash  
**HB 633**, introduced by Russell  
**HB 658**, introduced by Schwinden  
**HJR 22**, introduced by Brown

House bills concurred in as amended and returned to the House for concurrence in Senate amendments:

3/26/93

**HB 168**, introduced by Rehbein  
**HB 190**, introduced by Mason  
**HB 443**, introduced by McCulloch  
**HB 469**, introduced by Cocchiarella

House bills not concurred in and returned to the House: 3/25/93

**HB 320**, introduced by Kadas

**HB 527**, introduced by Brown

**MESSAGES FROM THE GOVERNOR**

The Honorable John Mercer  
Speaker of the House  
State Capitol  
Helena, Montana 59620

March 25, 1993

Dear Representative Mercer:

Please be informed that I have signed House Bill 123 on March 25, 1993.

Sincerely,

MARC RACICOT  
Governor

The Honorable Fred Van Valkenburg  
President of the Senate  
State Capitol  
Helena MT 59620

March 26, 1993

The Honorable John Mercer  
Speaker of the House  
State Capitol  
Helena MT 59620

Dear President Van Valkenburg and Speaker Mercer:

In accordance with the power vested in me as Governor by the Constitution and laws of the State of Montana, I hereby return Senate Bill 169, "AN ACT DIRECTING THE DEPARTMENT OF CORRECTIONS AND HUMAN SERVICES TO TRANSFER THE BUILDINGS AND LAND OF THE OLD MONTANA STATE PRISON COMPLEX TO THE POWELL COUNTY MUSEUM AND ARTS FOUNDATION FOR CONTINUED OPERATION AS A MUSEUM," with the attached amendments.

The bill was intended to transfer the buildings and land of the old Montana State Prison to the Powell County Museum and Arts Foundation for continued operation as a museum, and it was not intended to include in the transfer those lots which are currently used by the Board of Pardons. Inadvertently one of the lots used by the Board was included in the description of property to be transferred, and thus the bill required amendment.

Senator Beck, who introduced Senate Bill 169, is in agreement with the amendment, and I urge your approval of it.

Sincerely,



MARC RACICOT  
Governor

GOVERNOR'S AMENDMENTS  
TO SENATE BILL 169

1. Page 3, line 9.  
Strike: "4"  
Insert: "5"

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Boharski in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**SB 105** - Representative Grinde moved consideration of SB 105 be placed below SB 384 on the second reading board. Motion carried.

**SB 222** - Representative Gervais moved consideration of SB 222 be placed at the top of the second reading board. Motion carried.

Representative Gervais moved SB 222, third reading copy, be amended (amendment #1). Amendment #1 failed as follows: (28-67)

Representative Gervais moved SB 222 be indefinitely postponed.

Representative Clark made a substitute motion SB 222 be placed below SB 105 on the second reading board. Motion failed.

Representative Gervais moved his original motion that SB 222 be indefinitely postponed. Motion carried as follows:

Ayes: Bachini, Bardanouve, Barnhart, Boharski, Brooke, Brown, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Endy, Ewer, Fagg, Galvin, Gervais, Grady, Hansen, Harper, Harrington, Herron, J. Johnson, Kadas, Kasten, Knox, Larson, McCaffree, McCarthy, McCulloch, Menahan, L. Nelson, Pavlovich, Peck, Guilici, Raney, Ream, S. Rice, Russell, Schye, Simon, Smith, Spring, Squires, Stanford, Strizich, Swanson, Toole, Tunby, Tuss, Wanzenried, Wyatt, Mr. Speaker.

Total 55

Noes: Anderson, Barnett, Benedict, Bergman, Bergsagel, Bird, Bohlinger, Brandewie, Clark, DeBruycker, Ellis, Feland, Fisher, Foster, Gilbert, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Hibbard, R. Johnson, Keller, Mason, Mills, Molnar, T. Nelson, Orr, Peterson, Rehbein, J. Rice, Rose, Sayles, Simpkins, Stovall, Tash, Vogel, Wagner, Wallin, Winslow, Wiseman, Zook.

Total 42

March 27, 1993

Voted Absentee: Dowell, Elliott, McCulloch, Ayes; Ellis, Fisher, R. Johnson, Mason, Molnar, Orr, Noes.

Excused: Schwinden, Whalen.

Total 2

Absent or not voting: Ryan.

Total 1

**HB 651** - Representative Wagner moved HB 651, second reading copy, be amended as follows (amendment #1):

1. Page 4, line 9.

Strike: "and"

2. Page 4, line 10.

Following: ";

Insert: "and

(v) rural fire districts and other entities providing fire protection under Title 7, chapter 33;"

Amendment #1 passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Driscoll, Endy, Ewer, Fagg, Feland, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, Kadas, Kasten, Keller, Knox, Larson, McCaffree, McCarthy, Menahan, Mills, L. Nelson, T. Nelson, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 89

Noes: None.

Total 0

Excused: Dowell, Elliott, Ellis, Fisher, R. Johnson, Mason, McCulloch, Molnar, Orr, Schwinden, Whalen.

Total 11

Absent or not voting: None.

Total 0

Representative Gervais excused at this time.

Representative Driscoll moved HB 651, second reading copy, be further amended as follows (amendment #2):

1. Title, line 11.

Strike: "GASOLINE AND"

2. Title, line 18.

Strike: "15-70-204,"

3. Page 9, line 21 through page 10, line 12.

Strike: Section 3 in its entirety

Renumber: subsequent sections

4. Page 41, lines 14 and 16.

Strike: "9"

Insert: "8"

Amendment #2 passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Boharski, Bohlinger, Brooke, Brown, Cocchiarella, Daily, Davis, Dolezal, Driscoll, Endy, Ewer, Fagg, Foster, Galvin, Gervais, Grady, Hansen, H.S. Hanson, Harper, Harrington, J. Johnson, Kasten, Knox, Larson, McCaffree, McCarthy, McCulloch, Menahan, Mills, L. Nelson, Pavlovich, Peck, Quilici, Raney, Ream, Rose, Russell, Sayles, Schye, Simon, Smith, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Winslow, Wiseman, Wyatt, Zook.

Total 62

Noes: Benedict, Bergman, Bergsagel, Bird, Brandewie, Clark, Cobb, DeBruycker, Feland, Gilbert, Grimes, Grinde, M. Hanson, Hayne, Herron, Hibbard, Kadas, Keller, T. Nelson, Peterson, Rehbein, J. Rice, S. Rice, Ryan, Simpkins, Spring, Wanzenried, Mr. Speaker.

Total 28

Voted Absentee: Gervais, McCulloch, Ayes.

Excused: Dowell, Elliott, Ellis, Fisher, R. Johnson, Mason, Molnar, Orr, Schwinden, Whalen.

Total 10

Absent or not voting: None.

Total 0

Representative Wanzenried moved HB 651, as amended, do pass. Motion carried as follows:

Ayes: Anderson, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Cobb, Cocchiarella, Davis, Dolezal, Dowell, Driscoll, Elliott, Feland, Foster, Galvin, Gervais, Gilbert, Grimes, Hayne, Herron, J. Johnson, Keller, Larson, McCarthy, T. Nelson, Orr, Peterson, Quilici, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Simon, Simpkins, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Toole, Tunby, Tuss, Wagner, Wallin, Wanzenried, Whalen, Wyatt, Zook, Mr. Speaker.

Total 58

Noes: Bachini, Bardanouve, Barnett, Bergsagel, Clark, Daily, DeBruycker, Endy, Ewer, Fagg, Fisher, Grady, Grinde, Hansen, H.S. Hanson, M.

March 27, 1993

Hanson, Harper, Harrington, Kadas, Kasten, Knox, McCaffree, McCulloch, Menahan, Mills, L. Nelson, Pavlovich, Peck, Raney, Rehbein, Schwinden, Schye, Smith, Tash, Vogel, Winslow, Wiseman.

Total 37

Voted Absentee: Dowell, Elliott, Gervais, Orr, Whalen, Ayes; Fisher, McCulloch, Schwinden, Noes.

Excused: Ellis, R. Johnson, Mason, Molnar.

Total 4

Absent or not voting: Hibbard.

Total 1

**HB 17** - Representative S. Rice moved HB 17, second reading copy, be amended as follows (amendment #1):

1. Title, lines 9 and 10.

Strike: "CHANGING" on line 9 thorough "31;" on line 10

2. Page 3, line 6.

Strike: "APRIL 1"

Insert: "December 31"

3. Page 3, line 7.

Strike: "JUNE"

Insert: "March"

4. Page 3, line 17.

Strike: "APRIL 1"

Insert: "December 31 of that year"

5. Page 3, line 21.

Strike: "APRIL 1"

Insert: "December 31 of that year"

Amendment #1 passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Driscoll, Endy, Ewer, Fagg, Feland, Foster, Galvin, Gilbert, Grady, Grimes, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, Kadas, Keller, Larson, McCaffree, McCarthy, Menahan, Mills, L. Nelson, T. Nelson, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schye, Simon, Simpkins, Smith, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Wallin, Wanzenried, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 78

Noes: Barnett, Bergsagel, Clark, Kasten, Rehbein, Spring, Vogel.

Total 7



Excused: Dowell, Elliott, Ellis, Fisher, Gervais, R. Johnson, Mason, McCulloch, Molnar, Orr, Schwinden, Whalen.  
Total 12

Absent or not voting: Grinde, Knox, Wagner.  
Total 3

Representative S. Rice moved HB 17, as amended, do pass. Motion carried as follows:

Ayes: Bardanouve, Barnhart, Benedict, Bergman, Bird, Bohlinger, Brandewie, Brooke, Brown, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Endy, Ewer, Fagg, Foster, Galvin, Gilbert, Grimes, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Larson, Mason, McCarthy, McCulloch, Menahan, Mills, T. Nelson, Pavlovich, Quilici, Raney, Ream, S. Rice, Russell, Ryan, Sayles, Schye, Simon, Simpkins, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Wallin, Wanzenried, Whalen, Wyatt, Zook, Mr. Speaker.  
Total 67

Noes: Anderson, Bachini, Barnett, Bergsagel, Boharski, Clark, DeBruycker, Feland, Fisher, Grady, Grinde, Hayne, Herron, Kasten, Knox, McCaffree, L. Nelson, Orr, Peck, Peterson, Rehbein, J. Rice, Rose, Smith, Spring, Vogel, Winslow, Wiseman.  
Total 28

Voted Absentee: Dowell, Elliott, R. Johnson, Mason, McCulloch, Whalen, Ayes; Fisher, Orr, Noes.

Excused: Ellis, Gervais, Molnar, Schwinden.  
Total 4

Absent or not voting: Wagner.  
Total 1

**HB 70** - Representative S. Rice moved consideration of HB 70 be placed at the top of the second reading board. Motion carried.

Representative S. Rice moved HB 70 do pass. Motion carried as follows:

Ayes: Bardanouve, Barnhart, Bergman, Bird, Bohlinger, Brandewie, Brooke, Brown, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Endy, Ewer, Fagg, Foster, Galvin, Gilbert, Grimes, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Mills, L. Nelson, T. Nelson, Pavlovich, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schye, Simon, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Wallin, Wanzenried, Whalen, Zook, Mr. Speaker.  
Total 67

Noes: Anderson, Bachini, Barnett, Benedict, Bergsagel, Boharski, Clark, Cobb, DeBruycker, Feland, Fisher, Grady, Grinde, Hansen, Kasten, Menahan, Orr, Peck, Peterson, Rehbein, Simpkins, Smith, Spring, Vogel, Wagner, Winslow, Wiseman, Wyatt.

Total 28

Voted Absentee: Dowell, R. Johnson, Mason, McCulloch, Whalen, Ayes; Fisher, Orr, Noes.

Excused: Elliott, Ellis, Gervais, Molnar, Schwinden.

Total 5

Absent or not voting: None.

Total 0

**HB 388** - Representative Cobb moved HB 388, second reading copy, be amended as follows (amendment #1):

1. Page 4, lines 6 through 11.

Following: "ASSESSMENTS" on line 6

Strike: remainder of line 6 through "1993" on line 11

Amendment #1 passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Driscoll, Endy, Ewer, Fagg, Feland, Foster, Galvin, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, Kasten, Keller, Knox, Larson, McCaffree, McCarthy, Menahan, Mills, L. Nelson, T. Nelson, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 85

Noes: None.

Total 0

Excused: Dowell, Elliott, Ellis, Fisher, Gervais, R. Johnson, Mason, McCulloch, Molnar, Orr, Schwinden, Whalen.

Total 12

Absent or not voting: Benedict, Clark, Kadas.

Total 3

Representative Gilbert moved HB 388, as amended, do pass. Motion carried as follows:

Ayes: Bardanouve, Barnhart, Bergman, Bird, Bohlinger, Brandewie, Brown, Clark, Dolezal, Driscoll, Ewer, Fagg, Galvin, Gilbert, Grady, Grimes, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, J.

Johnson, R. Johnson, Kadas, Keller, Knox, Mason, McCulloch, T. Nelson, Ream, J. Rice, Rose, Russell, Ryan, Sayles, Schye, Simon, Simpkins, Spring, Squires, Stanford, Stovall, Toole, Tunby, Wagner, Wanzenried, Whalen, Mr. Speaker.

Total 50

Noes: Anderson, Bachini, Barnett, Benedict, Bergsagel, Boharski, Brooke, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dowell, Endy, Feland, Fisher, Foster, Gervais, Grinde, Herron, Kasten, Larson, McCaffree, McCarthy, Menahan, Mills, L. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Rehbein, S. Rice, Smith, Strizich, Swanson, Tash, Tuss, Vogel, Wallin, Winslow, Wiseman, Zook.

Total 45

Voted Absentee: R. Johnson, Mason, McCulloch, Whalen, Ayes; Dowell, Fisher, Gervais, Orr, Noes.

Excused: Elliott, Ellis, Molnar, Schwinden.

Total 4

Absent or not voting: Wyatt.

Total 1

**HB 639** - Representative Driscoll moved HB 639 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanoue, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Endy, Ewer, Fagg, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Larson, McCaffree, McCarthy, McCulloch, Menahan, Mills, L. Nelson, T. Nelson, Orr, Pavlovich, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Schye, Simon, Simpkins, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 85

Noes: DeBruycker, Fisher, Foster, Kasten, Mason, Peck, Rehbein, Sayles, Smith, Winslow.

Total 10

Voted Absentee: Dowell, Gervais, R. Johnson, McCulloch, Orr, Whalen, Ayes; Fisher, Mason, Noes.

Excused: Elliott, Ellis, Molnar, Schwinden.

Total 4

Absent or not voting: Feland.

Total 1

**HB 680** - Representative Ream moved HB 680 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanoue, Barnhart, Benedict, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Endy, Ewer, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, L. Nelson, T. Nelson, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, J. Rice, Rose, Russell, Ryan, Schye, Simon, Simpkins, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Wagner, Wallin, Wanzenried, Winslow, Wiseman, Wyatt, Mr. Speaker.

Total 77

Noes: Barnett, Bergman, Cobb, DeBruycker, Feland, Fisher, Hayne, Herron, Kasten, Orr, Peterson, Sayles, Smith, Spring, Vogel, Whalen, Zook.

Total 17

Voted Absentee: Dowell, Gervais, R. Johnson, Mason, McCulloch, Ayes; Fisher, Orr, Whalen, Noes.

Excused: Elliott, Ellis, Molnar, Schwinden.

Total 4

Absent or not voting: Fagg, S. Rice.

Total 2

**HB 322** - Representative Feland moved HB 322 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Barnett, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brown, Clark, Cobb, DeBruycker, Driscoll, Fagg, Fisher, Foster, Galvin, Gilbert, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kasten, Keller, Knox, Mason, McCulloch, Mills, L. Nelson, T. Nelson, Orr, Peck, Rehbein, J. Rice, Rose, Sayles, Simon, Simpkins, Smith, Spring, Stovall, Tash, Tunby, Wagner, Wallin, Winslow, Wiseman, Wyatt, Zook.

Total 56

Noes: Bardanoue, Barnhart, Bergsagel, Brooke, Cocchiarella, Daily, Davis, Dolezal, Dowell, Endy, Ewer, Gervais, Hansen, Harper, Harrington, Kadas, Larson, McCaffree, McCarthy, Menahan, Pavlovich, Quilici, Raney, Ream, S. Rice, Russell, Ryan, Schye, Squires, Stanford, Strizich, Swanson, Toole, Tuss, Vogel, Wanzenried, Mr. Speaker.

Total 37

Voted Absentee: Fisher, R. Johnson, Mason, McCulloch, Orr, Ayes; Dowell, Gervais, Noes.

Excused: Elliott, Ellis, Molnar, Schwinden, Whalen.

Total 5



Absent or not voting: Feland, Peterson.

Total 2

**HB 643** - Representative Gilbert moved HB 643, second reading copy, be amended as follows (amendment #1):

1. Page 9, line 23.

Strike: "JULY"

Insert: "January"

Amendment #1 passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Driscoll, Endy, Ewer, Fagg, Feland, Foster, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, Kadas, Kasten, Keller, Larson, McCaffree, McCarthy, Menahan, Mills, L. Nelson, T. Nelson, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 82

Noes: Bergsagel, Galvin, Wanzenried.

Total 3

Excused: Dowell, Elliott, Ellis, Fisher, Gervais, R. Johnson, Mason, McCulloch, Molnar, Orr, Schwinden, Whalen.

Total 12

Absent or not voting: Cobb, Knox, Peterson.

Total 3

Representative Kadas moved HB 643, second reading copy, be further amended as follows (amendment #2):

1. Title, line 10.

Strike: "APPROPRIATIONS"

Insert: "AN APPROPRIATION"

2. Title, line 11.

Following: "15-6-144,"

Insert: "AND"

Strike: "AND 17-7-502,"

3. Page 7, line 13 through page 9, line 8.

Strike: section 4 in its entirety

Renumber: subsequent sections

4. Page 9, lines 14 through 18.

Strike: section 6 in its entirety

Renumber: subsequent section

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5. Page 9, line 20.

Strike: "5"

Insert: "4"

6. Page 9, line 23.

Strike: subsection (2) in its entirety

Renumber: subsequent subsection

Amendment #2 passed as follows:

Ayes: Anderson, Bachini, Bardanoue, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Driscoll, Endy, Ewer, Fagg, Feland, Foster, Galvin, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, Kadas, Kasten, Keller, Knox, Larson, McCaffree, McCarthy, McCulloch, Menahan, Mills, L. Nelson, T. Nelson, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Ryan, Sayles, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 87

Noes: Rehbein.

Total 1

Voted Absentee: McCulloch, Aye.

Excused: Dowell, Elliott, Ellis, Fisher, Gervais, R. Johnson, Mason, Molnar, Orr, Schwinden, Whalen.

Total 11

Absent or not voting: Russell.

Total 1

Representative Gilbert moved HB 643, as amended, do pass. Motion carried as follows:

Ayes: Bardanoue, Barnhart, Bird, Bohlinger, Brandewie, Brooke, Cocchiarella, Davis, DeBruycker, Dolezal, Driscoll, Endy, Ewer, Fagg, Feland, Gilbert, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Hayne, Herron, Hibbard, J. Johnson, Kadas, Keller, Knox, Larson, McCaffree, Menahan, Molnar, T. Nelson, Orr, Peck, Quilici, Raney, Ream, S. Rice, Rose, Ryan, Schwinden, Schye, Simon, Smith, Spring, Squires, Stanford, Strizich, Swanson, Toole, Tunby, Tuss, Wallin, Whalen, Wiseman, Zook, Mr. Speaker.

Total 58

Noes: Anderson, Bachini, Barnett, Benedict, Bergman, Bergsagel, Boharski, Brown, Clark, Cobb, Daily, Dowell, Fisher, Foster, Galvin, Grady, Grimes, Harrington, R. Johnson, Kasten, Mason, McCarthy, McCulloch, Mills, L. Nelson, Pavlovich, Peterson, Rehbein, J. Rice, Sayles, Simpkins, Stovall, Tash, Vogel, Wagner, Wanzenried, Winslow, Wyatt.

Total 38

Voted Absentee: Molnar, Orr, Schwinden, Whalen, Ayes; Dowell, Fisher, R. Johnson, Mason, McCulloch, Noes.

Excused: Elliott, Ellis, Gervais.

Total 3

Absent or not voting: Russell.

Total 1

**SB 258** - Representative Ewer moved SB 258 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanoue, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Endy, Ewer, Feland, Fisher, Foster, Galvin, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, L. Nelson, T. Nelson, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 89

Noes: Toole, Whalen.

Total 2

Voted Absentee: Dowell, Fisher, Mason, McCulloch, Schwinden, Ayes; Whalen, No.

Excused: Elliott, Ellis, Gervais, R. Johnson, Molnar, Orr.

Total 6

Absent or not voting: Fagg, Gilbert, Russell.

Total 3

**SB 384** - Representative Simpkins moved SB 384 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanoue, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, L. Nelson, T. Nelson, Pavlovich, Peck, Peterson, Quilici, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel,

Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 91

Noes: None.  
Total 0

Voted Absentee: Dowell, Fisher, Mason, McCulloch, Whalen, Ayes.

Excused: Elliott, Ellis, Gervais, R. Johnson, Molnar, Orr, Schwinden.  
Total 7

Absent or not voting: Gilbert, Raney.  
Total 2

**SB 105** - Representative Larson moved consideration of SB 105 be passed for the day. Motion carried.

**SB 381** - Representative Driscoll moved SB 381 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, L. Nelson, T. Nelson, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 94

Noes: Orr.  
Total 1

Voted Absentee: Dowell, Ellis, Fisher, Gervais, Mason, McCulloch, Whalen, Ayes; Orr, No.

Excused: Elliott, R. Johnson, Molnar, Schwinden.  
Total 4

Absent or not voting: Gilbert.  
Total 1

**SB 342** - Representative Driscoll moved SB 342 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll,



Endy, Ewer, Fagg, Feland, Foster, Galvin, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, L. Nelson, T. Nelson, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 90

Noes: Benedict, Gilbert, Orr.

Total 3

Voted Absentee: Dowell, Mason, McCulloch, Whalen, Ayes; Orr, No.

Excused: Elliott, Ellis, Fisher, Gervais, R. Johnson, Molnar, Schwinden.

Total 7

Absent or not voting: None.

Total 0

**SB 256** - Representative Driscoll moved SB 256 be concurred in.

Representative Smith made a substitute motion that consideration of SB 256 be placed below SB 238 on the second reading board. Motion failed.

Representative Driscoll moved his original motion that SB 256 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 94

Noes: H.S. Hanson.

Total 1

Voted Absentee: Dowell, Ellis, Fisher, Gervais, Mason, McCulloch, Orr, Whalen, Ayes.

Excused: Elliott, R. Johnson, Molnar, Schwinden.

Total 4

Absent or not voting: Clark.

Total 1

**SB 73** - Representative Grinde moved consideration of SB 73 be passed for the day. Motion carried.

**SB 91** - Representative Simon moved SB 91 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, L. Nelson, T. Nelson, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, S. Rice, Rose, Russell, Ryan, Sayles, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 93

Noes: Orr.

Total 1

Voted Absentee: Dowell, Ellis, Fisher, Mason, McCulloch, Whalen, Ayes; Orr, No.

Excused: Elliott, Gervais, R. Johnson, Molnar, Schwinden.

Total 5

Absent or not voting: J. Rice.

Total 1

**SB 344** - Representative Brown moved SB 344 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gilbert, Grimes, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, L. Nelson, T. Nelson, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 91

Noes: Orr.

Total 1

Voted Absentee: Dowell, Fisher, Mason, McCulloch, Schwinden, Whalen, Ayes; Orr, No.

Excused: Elliott, Ellis, Gervais, R. Johnson, Molnar.

Total 5

Absent or not voting: Grady, Grinde, J. Rice.

Total 3

**SB 264** - Representative Brown moved SB 264 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, L. Nelson, T. Nelson, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 93

Noes: None.

Total 0

Voted Absentee: Dowell, Fisher, Mason, McCulloch, Whalen, Ayes.

Excused: Elliott, Ellis, Gervais, R. Johnson, Molnar, Orr, Schwinden.

Total 7

Absent or not voting: None.

Total 0

**SB 251** - Representative Toole moved SB 251 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnhart, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gilbert, Grady, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hibbard, J. Johnson, Kadas, Kasten, Keller, Knox, Larson, McCaffree, McCarthy, McCulloch, Menahan, Mills, L. Nelson, T. Nelson, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schye, Simpkins, Smith, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Mr. Speaker.

Total 78

Noes: Barnett, Benedict, Bergsagel, DeBruycker, Feland, Grimes, Grinde, Hayne, Herron, Mason, Rehbein, Spring, Wagner, Zook.

Total 14

Voted Absentee: Dowell, Fisher, McCulloch, Whalen, Ayes; Mason, No.

Excused: Elliott, Ellis, Gervais, R. Johnson, Molnar, Orr, Schwinden.

Total 7

Absent or not voting: Simon.

Total 1

**SB 37** - Representative S. Rice moved SB 37 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 98

Noes: None.

Total 0

Voted Absentee: Dowell, Ellis, Fisher, Gervais, R. Johnson, Mason, McCulloch, Molnar, Schwinden, Whalen, Ayes.

Excused: Elliott, Orr.

Total 2

Absent or not voting: None.

Total 0

**SJR 20** - Representative Cocchiarella moved SJR 20 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Endy, Ewer, Fagg, Feland, Foster, Galvin, Gilbert, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, L. Nelson, T. Nelson, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson,



Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 88

Noes: Barnett, Bergsagel, Cobb, Ellis, Orr.

Total 5

Voted Absentee: Dowell, Mason, McCulloch, Schwinden, Whalen, Ayes; Ellis, Orr, Noes.

Excused: Elliott, Fisher, Gervais, R. Johnson, Molnar.

Total 5

Absent or not voting: Grady, J. Rice.

Total 2

**SB 352** - Representative Simon moved SB 352 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Endy, Fagg, Feland, Fisher, Foster, Galvin, Gilbert, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, Kadas, Kasten, Keller, Knox, McCaffree, McCarthy, Menahan, Mills, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, S. Rice, Rose, Russell, Ryan, Sayles, Schye, Simon, Simpkins, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Tunby, Tuss, Vogel, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 81

Noes: Boharski, DeBruycker, Ewer, Grimes, Larson, J. Rice, Smith, Wagner.

Total 8

Voted Absentee: Dowell, Fisher, Orr, Whalen, Ayes.

Excused: Elliott, Ellis, Gervais, R. Johnson, Mason, McCulloch, Molnar, Schwinden.

Total 8

Absent or not voting: Grady, Grinde, Toole.

Total 3

**SB 104** - Representative Knox moved SB 104 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harrington, Hayne, Herron, Hibbard, J. Johnson, Kasten, Keller, Larson, McCarthy, McCulloch,

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Menahan, L. Nelson, T. Nelson, Orr, Pavlovich, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 85

Noes: Brooke, Harper, Kadas, McCaffree, Peck, Whalen.

Total 6

Voted Absentee: Dowell, Fisher, McCulloch, Orr, Ayes; Whalen, No.

Excused: Elliott, Ellis, Gervais, R. Johnson, Mason, Molnar, Schwinden.

Total 7

Absent or not voting: Knox, Mills.

Total 2

**SB 321** - Representative Smith moved SB 321 be concurred in. Motion carried as follows:

Ayes: Anderson, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Herron, Hibbard, J. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCarthy, McCulloch, Menahan, Mills, L. Nelson, Pavlovich, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Russell, Ryan, Sayles, Schye, Simon, Simpkins, Smith, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Zook, Mr. Speaker.

Total 84

Noes: Bachini, Boharski, McCaffree, Peck, Rose, Spring, Wyatt.

Total 7

Voted Absentee: Dowell, Fisher, Mason, McCulloch, Whalen, Ayes.

Excused: Elliott, Ellis, Gervais, R. Johnson, Molnar, Orr, Schwinden.

Total 7

Absent or not voting: Hayne, T. Nelson.

Total 2

**SB 238** - Representative Vogel moved SB 238 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne,

Herron, Hibbard, J. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 93

Noes: Boharski.

Total 1

Voted Absentee: Dowell, Fisher, Mason, McCulloch, Orr, Whalen, Ayes.

Excused: Elliott, Ellis, Gervais, R. Johnson, Molnar, Schwinden.

Total 6

Absent or not voting: None.

Total 0

**SB 229** - Representative Larson moved SB 229 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Barnhart, Benedict, Bergman, Bergsagel, Bird, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Driscoll, Endy, Fagg, Feland, Fisher, Foster, Galvin, Gilbert, Grady, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, J. Johnson, Kasten, Keller, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, L. Nelson, Orr, Pavlovich, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Ryan, Sayles, Schye, Simon, Simpkins, Smith, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Tuss, Whalen, Wiseman, Wyatt, Zook.

Total 70

Noes: Bardanouve, Barnett, Boharski, Bohlinger, Brandewie, Dowell, Ewer, Grimes, Herron, Kadas, Knox, Mills, T. Nelson, Peck, Russell, Spring, Toole, Tunby, Vogel, Wagner, Wallin, Wanzenried, Winslow, Mr. Speaker.

Total 24

Voted Absentee: Fisher, Mason, McCulloch, Orr, Whalen, Ayes; Dowell, No.

Excused: Elliott, Ellis, Gervais, R. Johnson, Molnar, Schwinden.

Total 6

Absent or not voting: None.

Total 0

**SB 291** - Representative Barnhart moved SB 291 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Endy, Ewer,

Fagg, Foster, Galvin, Grady, Grimes, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hibbard, J. Johnson, Kadas, Kasten, Keller, Knox, Larson, McCaffree, McCarthy, McCulloch, Menahan, Mills, L. Nelson, Pavlovich, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Russell, Ryan, Sayles, Schye, Simon, Simpkins, Smith, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wallin, Wanzenried, Whalen, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 77

Noes: Benedict, DeBruycker, Feland, Gilbert, Hayne, Herron, Mason, T. Nelson, Orr, Peck, Peterson, Rose, Spring, Wagner, Winslow.  
Total 15

Voted Absentee: Dowell, McCulloch, Whalen, Ayes; Mason, Orr, Noes.

Excused: Elliott, Ellis, Fisher, Gervais, R. Johnson, Molnar, Schwinden.  
Total 7

Absent or not voting: Grinde.  
Total 1

**SJR 25** - Representative Vogel moved SJR 25 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Endy, Ewer, Fagg, Feland, Foster, Galvin, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, L. Nelson, T. Nelson, Orr, Pavlovich, Peterson, Quilici, Raney, Ream, S. Rice, Rose, Russell, Ryan, Sayles, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Wagner, Wallin, Wanzenried, Whalen, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 86

Noes: Bergsagel, Boharski, Peck, Rehbein, J. Rice, Vogel, Winslow.  
Total 7

Voted Absentee: Dowell, Mason, McCulloch, Orr, Whalen, Ayes.

Excused: Elliott, Ellis, Fisher, Gervais, R. Johnson, Molnar, Schwinden.  
Total 7

Absent or not voting: None.  
Total 0

**SB 330** - Representative Brandewie moved SB 330 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown,



Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Ellis, Endy, Ewer, Fagg, Feland, Foster, Galvin, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Zook, Mr. Speaker.

Total 94

Noes: None.

Total 0

Voted Absentee: Dowell, Ellis, Mason, McCulloch, Orr, Schwinden, Whalen, Ayes.

Excused: Elliott, Fisher, Gervais, R. Johnson, Molnar.

Total 5

Absent or not voting: Wyatt.

Total 1

**SB 398** - Representative Cocchiarella moved SB 398 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Driscoll, Ellis, Endy, Ewer, Fagg, Feland, Foster, Galvin, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, Kadas, Knox, Larson, Mason, McCaffree, McCarthy, Menahan, Mills, L. Nelson, T. Nelson, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 86

Noes: Bergsagel, Cobb, Kasten, Orr.

Total 4

Voted Absentee: Ellis, Mason, Whalen, Ayes; Orr, No.

Excused: Dowell, Elliott, Fisher, Gervais, R. Johnson, McCulloch, Molnar, Schwinden.

Total 8

Absent or not voting: Benedict, Keller.

Total 2

**SB 340** - Representative H. S. Hanson moved SB 340 be concurred in. Motion carried as follows:

Ayes: Anderson, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Driscoll, Endy, Ewer, Fagg, Feland, Foster, Galvin, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCarthy, Menahan, Mills, L. Nelson, T. Nelson, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Wallin, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 82

Noes: Bachini, Bergsagel, Clark, McCaffree, Orr, Rehbein, Vogel, Wagner, Wanzenried.

Total 9

Voted Absentee: Mason, Whalen, Ayes; Orr, No.

Excused: Dowell, Elliott, Ellis, Fisher, Gervais, R. Johnson, McCulloch, Molnar, Schwinden.

Total 9

Absent or not voting: None.

Total 0

**SB 399** - Representative Bohlinger moved SB 399 be concurred in. Motion carried as follows:

Ayes: Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Cocchiarella, Daily, Davis, Dolezal, Driscoll, Endy, Fagg, Gilbert, Grimes, Grinde, Hansen, Harper, Harrington, Hibbard, J. Johnson, Kadas, Keller, Knox, Larson, McCarthy, Menahan, Mills, T. Nelson, Orr, Pavlovich, Quilici, Raney, Ream, J. Rice, S. Rice, Russell, Ryan, Schye, Simon, Simpkins, Smith, Squires, Stanford, Stovall, Strizich, Swanson, Toole, Tunby, Tuss, Wallin, Wiseman, Wyatt, Mr. Speaker.

Total 58

Noes: Anderson, Bachini, Bardanouve, Bergsagel, Clark, Cobb, DeBruycker, Feland, Foster, Galvin, Grady, H.S. Hanson, M. Hanson, Hayne, Herron, Kasten, Mason, McCaffree, L. Nelson, Peck, Peterson, Rehbein, Rose, Spring, Tash, Vogel, Wagner, Wanzenried, Whalen, Winslow, Zook.

Total 31

Voted Absentee: Orr, Aye; Mason, Whalen, Noes.

Excused: Dowell, Elliott, Ellis, Fisher, Gervais, R. Johnson, McCulloch, Molnar, Schwinden.

Total 9

Absent or not voting: Ewer, Sayles.

Total 2

**SB 320** - Representative Brown moved SB 320, third reading copy, be amended as follows (amendment #1):

1. Page 4, lines 23 and 24.

Strike: "15"

Insert: "30"

Amendment #1 passed as follows:

Ayes: Anderson, Bachini, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Driscoll, Endy, Ewer, Fagg, Feland, Foster, Galvin, Gilbert, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, Kadas, Kasten, Keller, Knox, Larson, McCaffree, McCarthy, Menahan, Mills, L. Nelson, T. Nelson, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 86

Noes: Bardanouve.

Total 1

Excused: Dowell, Elliott, Ellis, Fisher, Gervais, R. Johnson, Mason, McCulloch, Molnar, Orr, Schwinden, Whalen.

Total 12

Absent or not voting: Grady.

Total 1

Representative Brown moved SB 320, as amended, be concurred in.

Representative Clark moved for cloture on SB 320. Motion carried.

Upon unanimous consent, a further amendment to SB 320 was considered.

Representative Toole moved SB 320, second reading copy, be further amended (amendment #2). Amendment #2 failed as follows: (35-60)

Representative L. Nelson excused at this time.

Representative Brown moved his original motion that SB 320, as amended, be concurred in.

After a lengthy debate, Representative Daily moved for cloture on SB 320. Motion carried.

Thereupon, SB 320, as amended, was concurred in as follows:

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Ayes: Anderson, Bachini, Barnett, Benedict, Bergman, Bergsagel, Bird, Boharski, Brandewie, Brown, Clark, Cobb, Daily, Ellis, Endy, Fagg, Feland, Fisher, Foster, Galvin, Gilbert, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kasten, Keller, Knox, Larson, Mason, McCarthy, Menahan, Mills, Molnar, T. Nelson, Orr, Pavlovich, Peterson, Quilici, Rehbein, J. Rice, Rose, Ryan, Sayles, Simon, Simpkins, Smith, Spring, Stovall, Tash, Tunby, Vogel, Wagner, Wallin, Winslow, Wiseman, Zook, Mr. Speaker.

Total 64

Noes: Bardanouve, Barnhart, Bohlinger, Brooke, Cocchiarella, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Ewer, Gervais, Hansen, Harper, Harrington, Kadas, McCaffree, McCulloch, Peck, Raney, Ream, S. Rice, Russell, Schwinden, Schye, Squires, Stanford, Strizich, Swanson, Toole, Tuss, Wanzenried, Whalen, Wyatt.

Total 34

Voted Absentee: Ellis, Fisher, R. Johnson, Mason, Molnar, Orr, Ayes; Dowell, Gervais, McCulloch, Schwinden, Whalen, Noes.

Excused: Elliott, L. Nelson.

Total 2

Absent or not voting: None.

Total 0

**SB 403** - Representative Grinde moved consideration of SB 403 be passed for the day. Motion carried.

**SJR 23** - Representative Rehbein moved SJR 23 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Barnett, Benedict, Bergman, Bird, Boharski, Brandewie, Clark, Cobb, DeBruycker, Fagg, Foster, Galvin, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Hayne, Herron, Kasten, Keller, Knox, Mason, Mills, Molnar, T. Nelson, Orr, Peck, Peterson, Rehbein, J. Rice, S. Rice, Rose, Ryan, Simpkins, Smith, Spring, Stovall, Tash, Toole, Tunby, Vogel, Wagner, Wallin, Whalen, Winslow, Wiseman, Zook, Mr. Speaker.

Total 53

Noes: Bardanouve, Barnhart, Bergsagel, Bohlinger, Brooke, Brown, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Endy, Ewer, Feland, Gervais, Harper, Harrington, Hibbard, J. Johnson, Larson, McCaffree, McCarthy, McCulloch, Menahan, Pavlovich, Quilici, Raney, Ream, Russell, Sayles, Schye, Simon, Squires, Stanford, Strizich, Swanson, Tuss, Wanzenried.

Total 39

Voted Absentee: Mason, Molnar, Orr, Whalen, Ayes; Dowell, Gervais, McCulloch, Noes.

Excused: Elliott, Ellis, Fisher, R. Johnson, L. Nelson, Schwinden.



Total 6

Absent or not voting: Kadas, Wyatt.

Total 2

**SB 100** - Representative S. Rice moved SB 100 be concurred in. Motion carried as follows:

Ayes: Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bird, Boharski, Bohlinger, Brandewie, Brown, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Endy, Ewer, Fagg, Foster, Galvin, Gilbert, Grady, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hibbard, J. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCarthy, McCulloch, Menahan, T. Nelson, Pavlovich, Peck, Quilici, Raney, Ream, S. Rice, Rose, Russell, Ryan, Sayles, Schye, Simon, Simpkins, Smith, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tuss, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Mr. Speaker.

Total 69

Noes: Anderson, Bergman, Bergsagel, Brooke, Clark, DeBruycker, Feland, Grimes, Hayne, Herron, McCaffree, Mills, Orr, Peterson, Rehbein, J. Rice, Spring, Squires, Tunby, Wagner, Wyatt, Zook.

Total 22

Voted Absentee: Dowell, Mason, McCulloch, Whalen, Ayes; Orr, No.

Excused: Elliott, Ellis, Fisher, Gervais, R. Johnson, Molnar, L. Nelson, Schwinden.

Total 8

Absent or not voting: Vogel.

Total 1

**SB 276** - Representative S. Rice moved SB 276 be concurred in. Motion carried as follows:

Ayes: Bachini, Bardanouve, Barnhart, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Endy, Ewer, Fagg, Galvin, Grady, Grimes, Hansen, Harper, Harrington, Herron, Hibbard, J. Johnson, Kadas, Knox, Larson, McCaffree, McCarthy, McCulloch, Menahan, Pavlovich, Peck, Quilici, Raney, Ream, S. Rice, Russell, Ryan, Sayles, Schye, Simon, Simpkins, Smith, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Wanzenried, Whalen, Winslow, Wyatt, Mr. Speaker.

Total 62

Noes: Anderson, Barnett, Benedict, Bergman, Bergsagel, Cobb, DeBruycker, Feland, Foster, Gilbert, Grinde, H.S. Hanson, M. Hanson, Hayne, Kasten, Keller, Mason, Mills, T. Nelson, Orr, Peterson, Rehbein, J. Rice, Rose, Spring, Vogel, Wagner, Wallin, Wiseman, Zook.

Total 30

Voted Absentee: Dowell, McCulloch, Whalen, Ayes; Mason, Orr, Noes.

Excused: Elliott, Ellis, Fisher, Gervais, R. Johnson, Molnar, L. Nelson, Schwinden.

Total 8

Absent or not voting: None.

Total 0

**SB 203** - Representative Grady moved SB 203 be concurred in. Motion carried as follows:

Ayes: Anderson, Barnhart, Bohlinger, Brandewie, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Endy, Ewer, Foster, Galvin, Grady, Grimes, Hansen, H.S. Hanson, Harper, Harrington, Hibbard, J. Johnson, Kadas, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Pavlovich, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schye, Simon, Simpkins, Smith, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tuss, Vogel, Wanzenried, Whalen, Wyatt.

Total 60

Noes: Bachini, Bardanouve, Barnett, Benedict, Bergman, Bergsagel, Bird, Boharski, Cobb, DeBruycker, Fagg, Feland, Gilbert, Grinde, M. Hanson, Hayne, Herron, Kasten, Keller, Mills, T. Nelson, Orr, Peck, Rehbein, Spring, Tunby, Wagner, Wallin, Winslow, Wiseman, Zook, Mr. Speaker.

Total 32

Voted Absentee: Dowell, Mason, McCulloch, Whalen, Ayes; Orr, No.

Excused: Elliott, Ellis, Fisher, Gervais, R. Johnson, Molnar, L. Nelson, Schwinden.

Total 8

Absent or not voting: None.

Total 0

**HB 455** - Representative Schye moved consideration of HB 455 be passed for the day. Motion carried.

**HB 673** - Representative Menahan moved HB 673 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Endy, Ewer, Fagg, Feland, Foster, Galvin, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, Kadas, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, T. Nelson, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, S. Rice, Rose, Russell, Ryan, Sayles, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 87

Noes: Cobb, Kasten, Orr, Rehbein, J. Rice.  
Total 5

Voted Absentee: Dowell, Mason, McCulloch, Whalen, Ayes; Orr, No.

Excused: Elliott, Ellis, Fisher, Gervais, R. Johnson, Molnar, L. Nelson, Schwinden.  
Total 8

Absent or not voting: None.  
Total 0

Representative Grinde moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman Boharski moved the adoption of the committee report. Report adopted. (68-16)

### REPORTS OF STANDING COMMITTEES

AGRICULTURE, LIVESTOCK, AND IRRIGATION (Keller, Chairman):  
3/27/93

**SB 310**, third reading copy, be amended as follows:

1. Title, page 1, line 18.

Following: "OF"

Insert: "THE FORFEITURE OF"

2. Title, page 1, line 19.

Strike: "FORFEITED"

3. Page 10.

Following: line 15

Insert: "(11) 'Late claim' means a claim forfeited pursuant to the conclusive presumption of abandonment under 85-2-226."

Renumber: subsequent subsections

4. Page 13.

Following: line 14

Insert: "(10) 'Late claim' means a claim forfeited pursuant to the conclusive presumption of abandonment under 85-2-226."

Renumber: subsequent subsections

5. Page 18, line 12.

Following: "that"

Insert: "under 85-2-226, as interpreted by the Montana supreme court,"

6. Page 19, line 8.

Following: "Accordingly."

Insert: "with respect only to a basin that has not been closed to further appropriation pursuant to a compact ratified by the legislature under part 7 of this chapter prior to [the effective date of this act],"

7. Page 20, lines 2 through 4.

Following: "[a]"

Strike: remainder of line 2 through "claim" on line 4

Insert: "a late claim must be"

8. Page 20, line 5.

Strike: "prior"

9. Page 20, lines 5 through 8.

Strike: "and" on line 5 through "and" on line 9

Insert: "that have taken place prior to the inclusion of the late claim in the adjudication;

(b) the person asserting a late claim may request that a decree previously entered be reopened or may object to matters previously determined on the merits by the water court only to the extent that the request or objection is otherwise authorized by law and is based on a claim of water right filed on or before April 30, 1982, unless the person asserting a late claim also has filed a claim on or before April 30, 1982;"

Renumber: subsequent subsections

10. Page 20, lines 10 and 11.

Following: "[b]" on line 10

Strike: remainder of line 10 through "1996," on line 11

Insert: "a person asserting a late claim"

11. Page 20, line 15.

Following: "]"

Insert: "except to the extent that right or standing to object exists based on a claim of water right filed on or before April 30, 1982,"

Following: "protection"

Insert: "for the right represented in the late claim"

12. Page 20, line 18.

Strike: "and"

13. Page 20, line 19 through page 21, line 12.

Strike: subsections (c) and (d) in their entirety

Insert: "(d) if the water judge, following objection by another person asserting a claim, finds that a right represented in a late claim was the subject of a prior order or decree by the water judge, the water judge shall award costs and reasonable attorney fees to the person or persons filing the objection;

(e) a person who has a late claim may be found liable for costs and damages incurred by another person who proves by a preponderance of the evidence that the costs and damages were incurred as a result of actions undertaken in reasonable reliance upon a late claim and the conclusive presumption of abandonment provided in 85-2-226. A claim for damages and costs under this subsection (e) must be filed in a court of general jurisdiction on or before July 1, 1998. The court of general jurisdiction in which the action is commenced may, upon motion, certify the case to the water court for subordination of the right asserted in the late claim if subordination will cure the alleged damage.



(f) the water judge may subordinate an existing right asserted in a late claim to a claim filed on or before April 30, 1982, to a reserved water right compact negotiated or to a permit issued pursuant to this chapter if and to the extent that an objection is filed under this part by a person entitled to subordination by July 1, 1998, and the objector proves by a preponderance of the evidence that the objector has reasonably relied to the objector's detriment upon the failure to file the existing right on or before April 30, 1982, and the conclusive presumption of abandonment provided in 85-2-226."

14. Page 21, line 15.

Following: "1996"

Insert: ", and shall notify a person who files a claim after July 1, 1996, that the claim will not be accepted"

15. Page 22, line 9.

Strike: "(3)(b)"

Insert: "(3)(c)"

16. Page 22, line 12.

Following: "of"

Strike: "\$300"

Insert: "\$100, which must be deposited in the water rights adjudication account"

17. Page 22.

Following: line 12

Insert: "(b) If an objection is filed to a late claim, the water judge shall assess an additional fee of \$200 against the person asserting the late claim, which fee must be deposited in the water rights adjudication account."

Renumber: subsequent subsection

18. Page 36, lines 16 through 20.

Strike: section 10 in its entirety

Insert: "NEW SECTION Section 10. Severability. If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications."

NEW SECTION. Section 11. Contingent voidness. If a part of [this act] is found to establish a condition under which the provisions of Title 85 do not provide for a general stream adjudication for which the United States has waived its immunity from suit under 43 U.S.C. 666 or if a part of 85-2-221(3)(c), as amended by [this act], is invalid, then [this act] is void."

Renumber: subsequent section

And, as amended, be concurred in. Report adopted.

JUDICIARY (Fagg, Chairman):

3/27/93

**SB 23**, third reading copy, be amended as follows:

1. Title, lines 17 through 19.

Strike: "REQUIRING" on line 17 through "INVESTIGATION;" on line 19

2. Page 5, lines 19 through 24.

Strike: subsection (c) in its entirety

Renumber: subsequent subsection

3. Page 10, line 21.

Following: line 20

Insert: "NEW SECTION. Section 6. Coordination instruction. If House Bill No. 127 is passed and approved and if it amends 41-3-403 by inserting a reference or references to a "youth", then each reference to the word "youth" in those amendments is changed to the word "child"."

Renumber: subsequent section

And, as amended, be concurred in. Report adopted.

**SB 78**, third reading copy, be amended as follows:

1. Page 2, line 5.

Following: "~~the~~ \_"

Insert: "If the county attorney and the city attorney cannot agree on who will represent the state, the county attorney shall represent the state."

And, as amended, be concurred in. Report adopted.

**SB 323**, third reading copy, be amended as follows:

1. Title, line 5.

Strike: "SHOCK"

Insert: "BOOT CAMP"

Strike: "YOUTHFUL"

2. Page 1, line 15.

Page 2, lines 9, 14, and 17.

Page 3, lines 1, 13, 22, and 25.

Strike: "shock"

Insert: "boot camp"

3. Page 1, line 18.

Strike: "youthful"

Insert: "male and female"

4. Page 2, line 5.

Strike: "youthful"

5. Page 2, line 12.

Strike: "Shock"

Insert: "Boot camp"

6. Page 2, line 14.

Strike: "youthful"

7. Page 2, line 18.

Strike: "5 years"

Insert: "1 year"

8. Page 2, line 21.

Strike: "25"

Insert: "35"

9. Page 2, lines 22 and 23.

Strike: "(c)" on line 22 through ";" on line 23

Renumber: subsequent subsection

And, as amended, be concurred in. Report adopted.

TAXATION (Gilbert, Chairman):

3/27/93

**HB 219**, introduced bill, be amended as follows:

1. Title, lines 5 and 6.

Strike: "OR FOR INSTALLATION OF AN ALTERNATIVE FUEL REFUELING STATION"

2. Page 1, line 12.

Strike: "-- refueling stations"

3. Page 1, lines 18 and 19.

Strike: "or" on line 18 through "Montana" on line 19

4. Page 1, line 23.

Following: "less;"

Insert: "or"

5. Page 1, line 25 through page 2, line 2.

Strike: "; and" on line 25 through "station" on page 2, line 2

6. Page 2, lines 3 through 15.

Strike: subsection (3) in its entirety

Renumber: subsequent subsections

7. Page 3, line 5.

Strike: "or installation"

8. Page 3, lines 8 and 9.

Strike: "and refueling stations"

9. Page 3, lines 10 and 11.

Strike: "or to install an alternative fuel refueling station"

And, as amended, do pass. Report adopted.

**ANNOUNCEMENTS**

Committee meetings were announced by committee chairmen.

Representative Grinde moved the House adjourn until 8:00 a.m., Monday, March 29, 1993. Motion carried.

House adjourned at 1:48 p.m.

John Mercer, Speaker

Marilyn Miller, Chief Clerk





## SEVENTIETH LEGISLATIVE DAY

Helena, Montana  
March 29, 1993

House Chambers  
State Capitol

House convened at 8:00 a.m. Mr. Speaker in the Chair. Invocation by Pastor Bob Penna. Pledge of Allegiance to the Flag.

Roll call. All members present except Ellis, Fisher, excused. Quorum present.

Mr. Speaker: We, your committee on Legislative Administration/Bills and Journal, having examined the daily journals for the sixty-third, sixty-fourth, sixty-fifth and sixty-sixth legislative days, find the same to be correct.

Harriet Hayne, Chairman

### REPORTS OF STANDING COMMITTEES

BILLS (Hayne, Chairman): 3/29/93

Correctly printed for second reading: HB 219.

Correctly engrossed for third reading: HB 17, HB 70, HB 322, HB 388, HB 639, HB 643, HB 651, HB 673, HB 680, SB 37, SB 91, SB 100, SB 104, SB 203, SB 229, SB 238, SB 251, SB 256, SB 258, SB 264, SB 276, SB 291, SB 320, SB 321, SB 330, SB 340, SB 342, SB 344, SB 352, SB 381, SB 384, SB 398, SB 399, SJR 20, SJR 23, SJR 25.

Signed by the Speaker at 12:00 p.m., 3/27/93: HB 232, HB 336, HB 349.

### REPORTS OF SELECT COMMITTEES

Free Conference Committee  
on House Bill 169  
Report No. 1, March 26, 1993

Mr. Speaker and Mr. President:

We, your Free Conference Committee, met and considered House Bill 169 (reference copy - salmon) and recommend the following amendments:

1. Page 1, line 18.

Following: "or"

Insert: "or"

2. Page 1, line 20.

Strike: "of a building, road, or bridge"

And that this Free Conference Committee report be adopted.

For the House:

For the Senate:

Wallin, Chairman  
Ewer  
Vogel

Kennedy, Chairman  
Bartlett  
Harp

**MESSAGES FROM THE SENATE**

House bills concurred in and returned to the House: 3/27/93

**HB 19**, introduced by R. Johnson

**HB 237**, introduced by Grady

**HB 342**, introduced by Strizich

**HB 344**, introduced by Brown

**HB 428**, introduced by Harper

**HB 488**, introduced by Brandewie

**HB 543**, introduced by Ewer

**HB 596**, introduced by Wiseman

**HB 646**, introduced by Peterson

House bills concurred in as amended and returned to the House for  
concurrence in Senate amendments: 3/27/93

**HB 142**, introduced by Anderson

**HB 236**, introduced by Toole

**HB 283**, introduced by Elliott

**HB 365**, introduced by Rose

**HB 395**, introduced by Foster

**HB 500**, introduced by Mercer

Senate bills passed and transmitted to the House for concurrence:  
3/27/93

**SB 428**, introduced by Aklestad

**SB 431**, introduced by Aklestad

**SB 438**, introduced by Stang

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Cocchiarella in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**SB 105** - Representative Elliott moved SB 105 be concurred in.

Representative Peterson made a substitute motion SB 105 be not concurred in. Motion failed. (41-56)

Representative Boharski moved SB 105, third reading copy, be amended (amendment #1). Amendment #1 failed as follows: (42-55)

Thereupon, SB 105 was concurred in as follows:

Ayes: Anderson, Barnett, Barnhart, Benedict, Bergman, Bird, Bohlinger, Brooke, Brown, Clark, Cobb, Daily, Davis, DeBruycker, Dolezal, Elliott, Fagg, Feland, Foster, Grady, Grimes, Grinde, M. Hanson, Harrington,

Hayne, Hibbard, R. Johnson, Kasten, Keller, Knox, Mason, Mills, Molnar, T. Nelson, Orr, Pavlovich, Quilici, Raney, Rehbein, J. Rice, Rose, Russell, Ryan, Simon, Smith, Spring, Stovall, Strizich, Swanson, Tash, Tuss, Wallin, Winslow, Wiseman, Zook.

Total 55

Noes: Bachini, Bardanouve, Bergsagel, Boharski, Brandewie, Cocchiarella, Dowell, Driscoll, Endy, Ewer, Galvin, Gervais, Gilbert, Hansen, H.S. Hanson, Harper, Herron, J. Johnson, Kadas, McCaffree, McCarthy, McCulloch, Menahan, L. Nelson, Peck, Peterson, Ream, S. Rice, Sayles, Schwinden, Schye, Simpkins, Squires, Stanford, Toole, Tunby, Vogel, Wagner, Wanzenried, Whalen, Wyatt, Mr. Speaker.

Total 42

Excused: Ellis, Fisher.

Total 2

Absent or not voting: Larson.

Total 1

**HB 670** - Representative Boharski moved HB 670, second reading copy, be amended as follows (amendment #1):

1. Page 2, line 4.

Strike: "4"

Insert: "5"

2. Page 2, line 25.

Strike: "5, 10, and 11"

Insert: "6, 12, and 13"

3. Page 3, line 3.

Strike: "5"

Insert: "6"

4. Page 7, line 3.

Strike: "3"

Insert: "4"

5. Page 6.

Following: line 25

Insert: "NEW SECTION. Section 4. Individual medical care savings accounts -- tax exemption -- conditions. (1) A taxpayer who is a resident of this state may establish an individual medical care savings account. To qualify for the exclusion provided in subsection (2), the account must be established:

(a) with a fiduciary within the United States;

(b) with a contribution of principal from any source or combination of sources of no more than \$2,000 a tax year; and

(c) by purchase of or investment in a qualifying investment.

(2) Except as provided in this section, all interest or other income earned on the principal in the account may be excluded



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from the adjusted gross income of the taxpayer and is exempt from taxation, in accordance with 15-30-111(2)(j), as long as the principal and interest are contained in the account. Any amount contributed to an account that is intended to be used for workers' compensation purposes must be identified for that purpose at the time it is contributed to the account.

(3) Any part of the principal or income, or both, of an account and amounts withdrawn from the account for the payment of medical care expenses may be excluded under subsection (2). Any part of the income withdrawn from an account may not be excluded under subsection (2) and this subsection if the amount is withdrawn from the account and used for a purpose other than a medical care expense.

(4) Except as provided in this section, income that is withdrawn from an account and that may not be excluded under subsection (2) pursuant to subsection (3) is subject to a penalty of 10% per year on the excluded amount. The penalty must be collected in accordance with rules established by the department of revenue.

(5) An amount exceeding \$10,000 in an account may be withdrawn by the taxpayer to whom the account belongs and, if used for either or both of the following purposes, is not subject to the penalty provided in subsection (4):

(a) payment for postsecondary education for the person to whom the account belongs or for someone in the immediate family of that person; and

(b) first-time purchase of a single-family home by the person to whom the account belongs.

(6) Income withdrawn from an account that is not subject to a penalty under the provisions of subsection (5) is taxable as ordinary income of the taxpayer to whom the account belongs in the tax year that the amount is withdrawn from the account.

(7) An amount within the account may be withdrawn for any purpose by the taxpayer to whom the account belongs if the taxpayer is at least 59 1/2 years of age. Income withdrawn pursuant to this subsection is taxable as ordinary income of the taxpayer in the year that it is withdrawn.

(8) A change in the fiduciary with whom the account is located does not subject the owner of the account to tax liability."

Renumber: subsequent sections

6. Page 12.

Following: line 18

Insert: "Section 8. Section 15-30-111, MCA, is amended to read:

"15-30-111. Adjusted gross income. (1) Adjusted gross income ~~shall be~~ is the taxpayer's federal income tax adjusted gross income as defined in section 62 of the Internal Revenue Code of 1954 or as that section may be labeled or amended and in addition ~~shall~~ must include the following:

(a) interest received on obligations of another state or territory or county, municipality, district, or other political subdivision thereof;

(b) refunds received of federal income tax, to the extent the deduction of ~~such~~ the tax resulted in a reduction of Montana income tax liability;

(c) that portion of a shareholder's income under subchapter S. of Chapter 1 of the Internal Revenue Code of 1954, that has been reduced by any federal taxes paid by the subchapter S. corporation on the income; and

(d) depreciation or amortization taken on a title plant as defined in 33-25-105(15).

(2) Notwithstanding the provisions of the federal Internal Revenue Code of 1954, as labeled or amended, adjusted gross income does not include the following which are exempt from taxation under this chapter:

(a) all interest income from obligations of the United States government, the state of Montana, county, municipality, district, or other political subdivision thereof;

(b) interest income earned by a taxpayer age 65 or older in a taxable year up to and including \$800 for a taxpayer filing a separate return and \$1,600 for each joint return;

(c) (i) except as provided in subsection (2)(c)(ii), the first \$3,600 of all pension and annuity income received as defined in 15-30-101;

(ii) for pension and annuity income described under subsection (2)(c)(i), as follows:

(A) each taxpayer filing singly, head of household, or married filing separately shall reduce the total amount of the exclusion provided in (2)(c)(i) by \$2 for every \$1 of federal adjusted gross income in excess of \$30,000 as shown on the taxpayer's return;

(B) in the case of married taxpayers filing jointly, if both taxpayers are receiving pension or annuity income or if only one taxpayer is receiving pension or annuity income, the exclusion claimed as provided in subsection (2)(c)(i) must be reduced by \$2 for every \$1 of federal adjusted gross income in excess of \$30,000 as shown on their joint return;

(d) all Montana income tax refunds or tax refund credits;

(e) gain required to be recognized by a liquidating corporation under 15-31-113(1)(a)(ii);

(f) all tips covered by section 3402(k) of the Internal Revenue Code of 1954, as amended and applicable on January 1, 1983, received by persons for services rendered by them to patrons of premises licensed to provide food, beverage, or lodging;

(g) all benefits received under the workers' compensation laws;

(h) all health insurance premiums paid by an employer for an employee if attributed as income to the employee under federal law; and

(i) all money received because of a settlement agreement or judgment in a lawsuit brought against a manufacturer or distributor of "agent orange" for damages resulting from exposure to "agent orange"; and

(j) income in an individual medical care savings account established in accordance with [section 4].

(3) A shareholder of a DISC that is exempt from the corporation license tax under 15-31-102(1)(l) shall include in ~~his~~ adjusted gross income the earnings and profits of the DISC in the same manner as provided by federal law (section 995, Internal Revenue Code) for all periods for which the DISC election is effective.

(4) A taxpayer who, in determining federal adjusted gross income, has reduced ~~his~~ business deductions by an amount for wages and salaries for which a federal tax credit was elected under section 44B of the Internal Revenue Code of 1954 or as that section may be labeled or amended is allowed to deduct the amount of the wages and salaries paid regardless of the credit taken. The deduction must be made in the year the wages and salaries were used to compute the credit. In the case of a partnership or small business corporation, the deduction must be made to determine the amount of income or loss of the partnership or small business corporation.

(5) Married taxpayers filing a joint federal return who must include part of their social security benefits or part of their tier 1 railroad retirement benefits in federal adjusted gross income may split the federal base used in calculation ~~of~~ federal taxable social security benefits or federal taxable tier 1 railroad retirement benefits when they file separate Montana income tax returns. The federal base must be split equally on the Montana return.

(6) A taxpayer receiving retirement disability benefits who has not attained age 65 by the end of the taxable year and who has retired as permanently and totally disabled may exclude from adjusted gross income up to \$100 per week received as wages or payments in lieu of wages for a period during which the employee is absent from work due to the disability. If the adjusted gross income before this exclusion and before application of the two-earner married couple deduction exceeds \$15,000, the excess reduces the exclusion by an equal amount. This limitation affects the amount of exclusion, but not the taxpayer's eligibility for the exclusion. If eligible, married individuals shall apply the exclusion separately, but the limitation for income exceeding \$15,000 is determined with respect to the spouses on their combined adjusted gross income. For the purpose of this subsection, permanently and totally disabled means unable to engage in any substantial gainful activity by reason of any medically determined physical or mental impairment lasting or expected to last at least 12 months. (Subsection (2)(f) terminates on occurrence of contingency--sec. 3, Ch. 634, L. 1983.)"

Renumber: subsequent sections

7. Page 20, line 24; page 22, line 5; page 23, line 25.

Following: "3"

Insert: "or 4"

8. Page 25, Lines 6 and 8.

Strike: "5"

Insert: "6"



9. Page 25, lines 9 and 12.

Strike: "10"

Insert: "12"

10. Page 25, lines 13 and 16.

Strike: "11"

Insert: "13"

11. Page 25.

Following: line 16

Insert: "NEW SECTION. Section 15. Coordination instruction. If House Bill No. 671 is passed and approved and if it repeals 15-30-121, then [sections 3 and 7 of this act] are void and [sections 4 and 8 of this act] apply. If Senate Bill No. 235 is passed and approved by the voters and it repeals 15-30-121, then [sections 3 and 7 of this act] are void and [sections 4 and 8 of this act] apply. If 15-30-121 is not repealed, [sections 4 and 8 of this act] are void."

Renumber: subsequent sections

Amendment #1 passed as follows:

Ayes: Anderson, Bachini, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Boharski, Bohlinger, Brandewie, Brooke, Clark, Cobb, Cocchiarella, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Endy, Ewer, Fagg, Feland, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 93

Noes: Brown, Daily, Pavlovich.

Total 3

Excused: Ellis, Fisher.

Total 2

Absent or not voting: Bardanouve, Bird.

Total 2

Representative Boharski moved HB 670, as amended, do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, M. Hanson, Harper, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree,



McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Stanford, Stovall, Swanson, Tash, Toole, Tunby, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 91

Noes: Cocchiarella, Elliott, Feland, Harrington, Squires, Tuss.  
Total 6

Voted Absentee: Fisher, Aye.

Excused: Ellis.  
Total 1

Absent or not voting: H.S. Hanson, Strizich.  
Total 2

**HB 687** - Representative Elliott moved HB 687 do pass. Motion failed as follows:

Ayes: Anderson, Barnhart, Benedict, Bohlinger, Brown, Cocchiarella, Dolezal, Dowell, Driscoll, Elliott, Endy, Ewer, Fagg, Foster, Galvin, Grady, Grimes, H.S. Hanson, Harper, Harrington, Hibbard, J. Johnson, Knox, Larson, McCaffree, McCarthy, McCulloch, Menahan, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peterson, Quilici, Ream, S. Rice, Russell, Ryan, Schwinden, Schye, Stovall, Strizich, Tash, Tunby, Vogel, Wallin, Winslow, Wyatt.  
Total 49

Noes: Bachini, Bardanouve, Barnett, Bergman, Bergsagel, Bird, Boharski, Brandewie, Brooke, Clark, Cobb, Daily, Davis, DeBruycker, Feland, Fisher, Gervais, Gilbert, Grinde, Hansen, M. Hanson, Hayne, Herron, R. Johnson, Kadas, Kasten, Keller, Mason, Mills, Peck, Raney, Rehbein, Rose, Sayles, Simon, Simpkins, Smith, Spring, Squires, Stanford, Swanson, Toole, Tuss, Wagner, Wanzenried, Whalen, Wiseman, Zook, Mr. Speaker.  
Total 49

Voted Absentee: Fisher, No.

Excused: Ellis.  
Total 1

Absent or not voting: J. Rice.  
Total 1

Representative Fisher present at this time.

**HB 688** - Representative Grinde moved HB 688 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brown, Clark, Cobb, Cocchiarella,

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Daily, DeBruycker, Dolezal, Driscoll, Ellis, Fagg, Feland, Fisher, Foster, Gilbert, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kasten, Keller, Knox, Mason, McCarthy, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peterson, Quilici, Rehbein, J. Rice, S. Rice, Rose, Ryan, Sayles, Simon, Simpkins, Smith, Spring, Stovall, Tash, Tunby, Vogel, Wagner, Wallin, Winslow, Wiseman, Zook, Mr. Speaker.

Total 69

Noes: Bardanouve, Brooke, Davis, Dowell, Elliott, Endy, Ewer, Galvin, Gervais, Hansen, Harper, Harrington, Kadas, Larson, McCaffree, McCulloch, Peck, Raney, Ream, Russell, Schwinden, Schye, Squires, Stanford, Strizich, Swanson, Toole, Tuss, Wanzenried, Whalen, Wyatt.

Total 31

Voted Absentee: Ellis, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 219** - Representative Gilbert moved HB 219 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Endy, Fagg, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grinde, Hansen, H.S. Hanson, M. Hanson, Harrington, Hayne, Herron, Hibbard, J. Johnson, Knox, Larson, Mason, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Pavlovich, Peterson, Quilici, Ream, Rehbein, J. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 84

Noes: Ewer, Harper, R. Johnson, Kadas, Kasten, McCaffree, Orr, Peck, Raney, Smith, Whalen.

Total 11

Excused: Ellis.

Total 1

Absent or not voting: Feland, Grimes, Keller, S. Rice.

Total 4

Representative Grinde moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. House resumed. Speaker Pro Tempore M. Hanson in the Chair. Chairman Cocchiarella moved the adoption of the committee report. Report adopted. (72-22)

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Cocchiarella in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**SB 73** - Representative Rehbein moved consideration of SB 73 be passed for the day. Motion carried.

Representative Grinde moved the House recess until 1:00 p.m. Motion carried.

House recessed at 11:58 a.m.

House reconvened at 1:04 p.m. Representative Cocchiarella in the Chair.

Representative Ellis present at this time.

**SB 15** - Representative Vogel moved SB 15, third reading copy, be amended as follows (amendment #1):

1. And, that such amendments to the House Judiciary Committee amendments of March 12, 1993 be amended as follows:

Committee amendment item #3.

Strike: amendment #3 in its entirety

2. And, that Senate Bill 15 (third reading copy--blue) be further amended as follows:

Page 2, line 11.

Following: line 10

Insert: "(6) After a grievance has been filed, the grievant and the exclusive representative waive any right to pursue any action or complaint involving the same facts or circumstances before any local, state, or federal agency, tribunal, court, or other forum in which relief may be sought or granted. If a grievant or the exclusive representative files a complaint, appeal, or other action with a local, state, or federal agency, tribunal, court, or other forum involving the same facts or circumstances, a grievance may not be filed or pursued under this section."

[Coordination instruction. If this amendment and the Vogel Committee of the Whole amendment dated march 17, 1993, 12:16 p.m. both pass, the language inserted above is intended to be subsection (m) of subsection (6). PRF]

Amendment #1 passed as follows:

Ayes: Anderson, Barnett, Benedict, Bergman, Bergsagel, Bird, Boharski, Brandewie, Clark, Cobb, Davis, DeBruycker, Ellis, Fagg, Feland, Fisher, Foster, Gilbert, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Herron, R. Johnson, Kasten, Keller, Knox, Larson, Mason, Mills, Molnar, L. Nelson, T. Nelson, Orr, Peck, Peterson, Rehbein, J. Rice, Rose, Simpkins, Smith, Spring, Stovall, Tunby, Vogel, Wagner, Wallin, Wanzenried, Wiseman, Zook, Mr. Speaker.

Total 52

Noes: Bachini, Barnhart, Bohlinger, Brooke, Brown, Cocchiarella, Daily, Dolezal, Dowell, Driscoll, Elliott, Endy, Ewer, Galvin, Gervais, Grady, Hansen, Harper, Harrington, Hibbard, J. Johnson, Kadas, McCaffree, McCarthy, McCulloch, Menahan, Pavlovich, Quilici, Raney, Ream, S. Rice, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Squires, Stanford, Strizich, Swanson, Tash, Toole, Tuss, Whalen, Winslow, Wyatt.

Total 47

Excused: None.

Total 0

Absent or not voting: Bardanoue.

Total 1

Representative Vogel moved SB 15, third reading copy, be further amended (amendment #2). Amendment #2 failed as follows: (37-62)

Representative J. Rice moved SB 15, as amended, be concurred in. Motion carried as follows:

Ayes: Bachini, Bardanoue, Barnhart, Bergman, Bird, Bohlinger, Brandewie, Brooke, Brown, Cobb, Cocchiarella, Daily, Dolezal, Dowell, Driscoll, Elliott, Endy, Ewer, Fagg, Galvin, Gervais, Grady, Grinde, Harper, Harrington, Hibbard, J. Johnson, Kadas, Larson, McCaffree, McCarthy, McCulloch, Menahan, Molnar, T. Nelson, Pavlovich, Peck, Quilici, Raney, Ream, J. Rice, S. Rice, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Squires, Stanford, Strizich, Swanson, Toole, Tuss, Vogel, Wagner, Whalen, Wiseman, Wyatt, Mr. Speaker.

Total 61

Noes: Anderson, Barnett, Benedict, Bergsagel, Boharski, Clark, Davis, DeBruycker, Ellis, Feland, Fisher, Foster, Gilbert, Grimes, Hansen, H.S. Hanson, M. Hanson, Hayne, Herron, R. Johnson, Kasten, Keller, Knox, Mason, Mills, L. Nelson, Orr, Peterson, Rehbein, Rose, Smith, Spring, Stovall, Tash, Tunby, Wallin, Wanzenried, Winslow, Zook.

Total 39

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Schwinden excused at this time.



**SB 39** - Representative Grady moved SB 39 be concurred in. Motion carried as follows:

Ayes: Anderson, Barnett, Benedict, Bergman, Bergsagel, Boharski, Bohlinger, Brandewie, Brooke, Cobb, DeBruycker, Elliott, Ellis, Ewer, Fagg, Feland, Fisher, Foster, Gilbert, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Herron, Hibbard, R. Johnson, Kadas, Kasten, Keller, Knox, Mason, Mills, Molnar, L. Nelson, T. Nelson, Orr, Peck, Peterson, Ream, Rehbein, J. Rice, Rose, Russell, Sayles, Simon, Simpkins, Spring, Stovall, Swanson, Tash, Tunby, Wagner, Wallin, Winslow, Wiseman, Zook, Mr. Speaker.

Total 59

Noes: Bachini, Barnhart, Bird, Brown, Clark, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Endy, Galvin, Gervais, Hansen, Harrington, J. Johnson, Larson, McCaffree, McCarthy, McCulloch, Menahan, Pavlovich, Quilici, S. Rice, Ryan, Smith, Squires, Stanford, Toole, Tuss, Wanzenried, Whalen, Wyatt.

Total 34

Excused: Schwinden.

Total 1

Absent or not voting: Bardanouve, Harper, Raney, Schye, Strizich, Vogel.

Total 6

**SB 40** - Representative Grady moved SB 40 be concurred in. Motion carried as follows:

Ayes: Anderson, Barnett, Benedict, Bergman, Bergsagel, Boharski, Bohlinger, Brandewie, Brooke, Cobb, DeBruycker, Ellis, Fagg, Feland, Fisher, Foster, Gilbert, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Herron, Hibbard, R. Johnson, Kadas, Keller, Knox, Mason, Mills, Molnar, L. Nelson, T. Nelson, Orr, Peck, Peterson, Rehbein, J. Rice, Rose, Sayles, Simon, Simpkins, Spring, Stovall, Swanson, Tash, Toole, Tunby, Vogel, Wagner, Wallin, Winslow, Wiseman, Zook, Mr. Speaker.

Total 56

Noes: Bachini, Barnhart, Bird, Brown, Clark, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Endy, Ewer, Galvin, Gervais, Hansen, Harper, Harrington, J. Johnson, Kasten, Larson, McCaffree, McCarthy, Menahan, Pavlovich, Quilici, Raney, Ream, S. Rice, Russell, Ryan, Schye, Smith, Squires, Stanford, Strizich, Tuss, Wanzenried, Whalen, Wyatt.

Total 40

Excused: Schwinden.

Total 1

Absent or not voting: Bardanouve, Elliott, McCulloch.

Total 3

**SB 70** - Representative Brooke moved SB 70 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grimes, Grinde, Hansen, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Zook, Mr. Speaker.  
Total 90

Noes: Bergsagel, Brown, McCaffree, Orr, Peterson, Vogel, Wyatt.  
Total 7

Voted Absentee: Schwinden, Aye.

Excused: None.  
Total 0

Absent or not voting: Bardanouve, Grady, H.S. Hanson.  
Total 3

**SB 81** - Representative Molnar moved SB 81, third reading copy, be amended as follows (amendment #1):

1. Title, line 6.

Following: "PONDS"

Insert: "OR FOR FISHING BAIT"

2. Page 1, line 13.

Following: "87-4-603"

Insert: "or as provided in subsection (2)"

3. Page 1, line 15.

Following: line 14

Insert: "(2) A person may take crayfish from the waters of the state for sale or commercial distribution as fishing bait under rules adopted by the department under 87-4-609."

ReNUMBER: subsequent subsection

4. Page 1, line 23.

Following: "~~erayfish~~,"

Insert: "crayfish for fishing bait,"

Amendment #1 passed as follows:

Ayes: Anderson, Bachini, Barnett, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Clark, Cobb, Cocchiarella, Davis, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Gervais, Gilbert, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper,

Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Knox, Mason, McCarthy, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Sayles, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Swanson, Tash, Toole, Tunby, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Zook, Mr. Speaker.

Total 78

Noes: Barnhart, Brown, Daily, DeBruycker, Dolezal, Dowell, Galvin, Kasten, Keller, Larson, McCaffree, McCulloch, Pavlovich, Peck, Rehbein, Ryan, Strizich, Tuss, Wyatt.

Total 19

Excused: Schwinden.

Total 1

Absent or not voting: Bardanouve, Grady.

Total 2

Representative H. S. Hanson excused at this time.

Representative Ream moved SB 81, as amended, be concurred in. Motion carried as follows:

Ayes: Bachini, Barnhart, Benedict, Bird, Bohlinger, Brandewie, Brooke, Clark, Cocchiarella, Davis, DeBruycker, Dolezal, Dowell, Ellis, Endy, Ewer, Fagg, Foster, Galvin, Gervais, Gilbert, Grady, Hansen, Harper, Harrington, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, L. Nelson, T. Nelson, Peck, Quilici, Raney, Ream, J. Rice, S. Rice, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Squires, Stanford, Strizich, Swanson, Tash, Toole, Tuss, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Mr. Speaker.

Total 64

Noes: Anderson, Barnett, Bergsagel, Boharski, Brown, Cobb, Daily, Driscoll, Elliott, Feland, Fisher, Grimes, Grinde, M. Hanson, Hayne, Kasten, Keller, Knox, Mills, Molnar, Orr, Pavlovich, Peterson, Rehbein, Rose, Simpkins, Smith, Spring, Stovall, Tunby, Vogel, Wagner, Zook.

Total 33

Voted Absentee: Schwinden, Aye.

Excused: H.S. Hanson.

Total 1

Absent or not voting: Bardanouve, Bergman.

Total 2

**SB 98** - Representative Barnett moved SB 98 be concurred in. Motion failed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Bird, Clark, Daily, Davis, Dowell, Driscoll, Elliott, Fagg, Foster, Galvin, Gervais, Gilbert,

Harper, Harrington, Hayne, J. Johnson, Kadas, Keller, Larson, McCaffree, McCulloch, Menahan, Mills, Pavlovich, Peck, Ream, S. Rice, Ryan, Schwinden, Squires, Toole, Tuss, Wallin, Wyatt.  
Total 39

Noes: Benedict, Bergman, Bergsagel, Boharski, Bohlinger, Brandewie, Brooke, Brown, Cobb, Cocchiarella, DeBruycker, Dolezal, Ellis, Endy, Ewer, Feland, Fisher, Grady, Grimes, Grinde, Hansen, M. Hanson, Herron, Hibbard, R. Johnson, Kasten, Knox, Mason, McCarthy, Molnar, L. Nelson, T. Nelson, Orr, Peterson, Quilici, Raney, Rehbein, J. Rice, Rose, Russell, Sayles, Schye, Simon, Simpkins, Smith, Spring, Stanford, Stovall, Swanson, Tash, Tunby, Vogel, Wagner, Wanzenried, Whalen, Winslow, Wiseman, Zook, Mr. Speaker.  
Total 59

Voted Absentee: Schwinden, Aye.

Excused: H.S. Hanson.  
Total 1

Absent or not voting: Strizich.  
Total 1

**SB 112** - Representative Davis moved SB 112 be concurred in. Motion carried as follows:

Ayes: Bergman, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Daily, Davis, DeBruycker, Dowell, Ellis, Endy, Ewer, Feland, Fisher, Grady, Grimes, Grinde, M. Hanson, Harrington, Hayne, Hibbard, Kadas, Kasten, Knox, Larson, Mason, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peterson, Quilici, Ream, J. Rice, S. Rice, Rose, Sayles, Schwinden, Smith, Spring, Squires, Stanford, Stovall, Tash, Toole, Tunby, Tuss, Vogel, Wallin, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 63

Noes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergsagel, Bird, Cocchiarella, Dolezal, Driscoll, Elliott, Fagg, Foster, Galvin, Gervais, Gilbert, Hansen, Harper, Herron, J. Johnson, R. Johnson, Keller, McCaffree, Peck, Raney, Rehbein, Russell, Ryan, Schye, Simon, Simpkins, Swanson, Wagner, Wanzenried.  
Total 35

Voted Absentee: Schwinden, Aye.

Excused: H.S. Hanson.  
Total 1

Absent or not voting: Strizich.  
Total 1

Representative H. S. Hanson present at this time.



**SB 118** - Representative Smith moved SB 118, third reading copy, be amended as follows (amendment #1):

1. Page 14, line 11.

Following: "BASIS"

Insert: "for a category A facility and on a quarterly basis for a category B facility"

2. Page 14, line 16.

Following: "STATEMENT"

Insert: "for a category A facility and within the calendar quarter covered by the statement for a category B facility"

Amendment #1 passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Elliott, Ellis, Endy, Ewer, Fagg, Foster, Galvin, Gervais, Gilbert, Grady, Grinde, H.S. Hanson, M. Hanson, Harper, Harrington, Hibbard, J. Johnson, Kadas, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, T. Nelson, Orr, Pavlovich, Peck, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Ryan, Sayles, Schye, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Wyatt, Zook, Mr. Speaker.

Total 79

Noes: Boharski, Bohlinger, DeBruycker, Driscoll, Feland, Fisher, Hansen, Hayne, Herron, R. Johnson, Kasten, Molnar, L. Nelson, Peterson, Rehbein, Russell, Simon, Winslow.

Total 18

Excused: Schwinden.

Total 1

Absent or not voting: Grimes, Wiseman.

Total 2

Representative Hansen moved SB 118, as amended, be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, Kadas, Keller, Knox, Larson, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 93

Noes: DeBruycker, Feland, Gilbert, R. Johnson, Kasten, Mason, Rehbein.  
Total 7

Voted Absentee: Schwinden, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 145** - Representative Brown moved SB 145, third reading copy, be amended as follows (amendment #1):

1. Title, lines 6 through 9.  
Following: "FUND;" on line 6  
Strike: remainder of line 6 through "FUND;" on line 9

2. Title, lines 13 and 14.  
Following: ";" on line 13  
Strike: remainder of line 13 through ";" on line 14

3. Page 3, line 22 through page 5 line 23.  
Strike: sections 4 and 5 in their entirety  
Renumber: subsequent sections

Amendment #1 passed as follows:

Ayes: Anderson, Bachini, Benedict, Bergman, Bergsagel, Bird, Boharski, Brandewie, Brown, Cocchiarella, Daily, DeBruycker, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Feland, Gervais, Gilbert, H.S. Hanson, M. Hanson, Harrington, Hayne, Herron, J. Johnson, Kasten, Knox, Larson, Mason, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Rehbein, Rose, Sayles, Schwinden, Simpkins, Spring, Stovall, Tash, Toole, Tunby, Tuss, Wagner, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 60

Noes: Bardanouve, Barnett, Barnhart, Bohlinger, Brooke, Clark, Cobb, Davis, Dolezal, Fagg, Fisher, Foster, Galvin, Grady, Grimes, Grinde, Hansen, Harper, Hibbard, R. Johnson, Kadas, Keller, McCaffree, T. Nelson, Raney, Ream, J. Rice, S. Rice, Ryan, Schye, Simon, Smith, Squires, Stanford, Strizich, Swanson, Vogel, Wallin, Wanzenried.  
Total 39

Voted Absentee: Schwinden, Aye.

Excused: None.  
Total 0

Absent or not voting: Russell.

Total 1

Representative S. Rice moved SB 145, third reading copy, be further amended (amendment #2). Amendment #2 failed as follows: (46-54)

Representative S. Rice moved SB 145, as amended, be concurred in. Motion carried as follows:

Ayes: Anderson, Bardanouve, Barnett, Barnhart, Boharski, Bohlinger, Brandewie, Brooke, Clark, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Grady, Grimes, Grinde, Hansen, Harper, Harrington, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Larson, McCaffree, McCulloch, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schye, Simon, Smith, Squires, Stanford, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wallin, Wanzenried, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 64

Noes: Bachini, Benedict, Bergman, Bergsagel, Bird, Brown, DeBruycker, Elliott, Ellis, Feland, Gilbert, H.S. Hanson, M. Hanson, Hayne, Kasten, Mason, McCarthy, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Rehbein, Schwinden, Simpkins, Spring, Stovall, Wagner, Whalen, Winslow.

Total 34

Voted Absentee: Schwinden, No.

Excused: None.

Total 0

Absent or not voting: Cobb, Strizich.

Total 2

Representative Grinde moved the House recess until 5:00 p.m. Motion carried.

House recessed at 2:54 p.m.

House reconvened at 5:00 p.m. Representative Cocchiarella in the Chair.

Representative Schwinden present at this time.

**SB 223** - Representative J. Rice moved SB 223 be concurred in. Motion carried as follows:

Ayes: Bachini, Bardanouve, Barnhart, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Endy, Ewer, Fagg, Feland, Fisher, Galvin, Gervais, Grimes, Hansen, Harper, Harrington, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Molnar, T. Nelson, Pavlovich, Peck, Quilici, Raney, Ream, J. Rice, S. Rice, Russell, Ryan, Schwinden, Schye, Simon, Simpkins, Smith,

March 29, 1993

Squires, Stanford, Strizich, Swanson, Toole, Tuss, Vogel, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Mr. Speaker.

Total 69

Noes: Anderson, Barnett, Benedict, Bergman, Bergsagel, DeBruycker, Ellis, Foster, Gilbert, Grady, Grinde, H.S. Hanson, M. Hanson, Hayne, Kasten, Keller, Knox, Mills, L. Nelson, Orr, Peterson, Rehbein, Rose, Sayles, Spring, Stovall, Tash, Tunby, Wagner, Wallin, Zook.

Total 31

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 231** - Representative Brooke moved SB 231 be concurred in. Motion carried as follows:

Ayes: Bachini, Bardanoue, Barnett, Barnhart, Benedict, Bird, Bohlinger, Brandewie, Brooke, Brown, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Grady, Grimes, Hansen, M. Hanson, Harper, Harrington, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Larson, McCaffree, McCarthy, McCulloch, Menahan, Mills, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Squires, Stanford, Stovall, Strizich, Swanson, Toole, Tunby, Tuss, Vogel, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 76

Noes: Anderson, Bergman, Bergsagel, Boharski, Clark, Cobb, DeBruycker, Ellis, Feland, Gilbert, Grinde, H.S. Hanson, Hayne, Herron, Kasten, Mason, Molnar, Peterson, Rehbein, Simpkins, Smith, Spring, Tash, Wagner.

Total 24

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 249** - Representative Bachini moved SB 249 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanoue, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Grady, Grimes, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice,



S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 93

Noes: DeBruycker, Driscoll, Gilbert, Grinde, Knox, Orr, Wallin.

Total 7

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 252** - Representative Brandewie moved SB 252, third reading copy, be amended as follows (amendment #1):

1. Title, line 10.

Following: ";

Insert: "ESTABLISHING LIABILITY FOR DAMAGES AND INJURY OCCURRING ON THE LAND DURING A SURVEY;"

2. Page 1, lines 17 through 20.

Strike: "1" on line 17 through "ACT" on line 20

3. Page 2, line 12.

Following: "liability"

Insert: "-- liability"

4. Page 5, line 7.

Following: "[9]"

Insert: "A person qualified under subsection (1) who enters land pursuant to this section is liable for actual damages caused during entry to and stay on the land. A person qualified under subsection (1) who enters land for survey purposes does not have a civil cause of action against a landowner or lessee for personal injury or property damage incurred while on the land, except when the injury or damages were purposely or knowingly caused by the landowner or lessee.

(10)"

Amendment #1 passed as follows:

Ayes: Anderson, Bachini, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grimes, Grinde, Hansen, M. Hanson, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Rehbein, J. Rice, S. Rice, Rose, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Squires, Stanford, Stovall, Strizich, Swanson,

Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 86

Noes: Bardanouve, Cocchiarella, Ellis, Endy, H.S. Hanson, Smith, Spring, Tash.  
Total 8

Excused: None.  
Total 0

Absent or not voting: Ewer, Grady, Harper, Raney, Ream, Russell.  
Total 6

Representative Tash moved SB 252, as amended, be concurred in. Motion carried as follows:

Ayes: Bachini, Bardanouve, Benedict, Bergman, Boharski, Bohlinger, Brandewie, Brooke, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Ellis, Endy, Ewer, Fagg, Galvin, Gervais, Grady, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, J. Johnson, R. Johnson, Kadas, Keller, Larson, Mason, McCarthy, McCulloch, Menahan, Mills, T. Nelson, Orr, Pavlovich, Peck, Quilici, Ream, S. Rice, Rose, Russell, Ryan, Sayles, Simon, Simpkins, Smith, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Vogel, Wallin, Whalen, Wiseman, Zook.  
Total 64

Noes: Anderson, Barnett, Barnhart, Bergsagel, Bird, Brown, Dolezal, Dowell, Driscoll, Elliott, Feland, Fisher, Foster, Gilbert, Grimes, Grinde, Herron, Hibbard, Kasten, Knox, McCaffree, Molnar, L. Nelson, Peterson, Raney, Rehbein, Schwinden, Schye, Spring, Tuss, Wagner, Wanzenried, Winslow, Wyatt, Mr. Speaker.  
Total 35

Excused: None.  
Total 0

Absent or not voting: J. Rice.  
Total 1

**SB 313** - Representative Hansen moved SB 313 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby,

Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 94

Noes: Bergsagel, DeBruycker, Hayne, Rehbein, Spring.

Total 5

Excused: None.

Total 0

Absent or not voting: J. Rice.

Total 1

**SB 318** - Representative S. Rice moved SB 318, third reading copy, be amended as follows (amendment #1):

Amend House Committee on State Administration amendments dated March 19, 1993 as follows:

1. Amendment number 4.

Strike: in its entirety

2. Amendment number 5.

Strike: in its entirety

Amendment #1 passed as follows:

Ayes: Bachini, Bardanoue, Barnhart, Bohlinger, Brooke, Brown, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Endy, Ewer, Fisher, Galvin, Gervais, Hansen, M. Hanson, Harper, Harrington, J. Johnson, Kadas, Larson, McCaffree, McCarthy, McCulloch, Menahan, L. Nelson, Pavlovich, Peck, Quilici, Raney, Ream, S. Rice, Russell, Ryan, Schwinden, Schye, Simon, Squires, Stanford, Strizich, Swanson, Toole, Tuss, Wallin, Wanzenried, Whalen, Wiseman, Wyatt.

Total 52

Noes: Anderson, Barnett, Benedict, Bergman, Bergsagel, Bird, Boharski, Brandewie, Clark, Cobb, DeBruycker, Ellis, Fagg, Feland, Foster, Gilbert, Grady, Grimes, Grinde, H.S. Hanson, Hayne, Herron, Hibbard, R. Johnson, Kasten, Keller, Knox, Mason, Mills, Molnar, T. Nelson, Orr, Peterson, Rehbein, J. Rice, Rose, Sayles, Simpkins, Smith, Spring, Stovall, Tash, Tunby, Vogel, Wagner, Winslow, Zook, Mr. Speaker.

Total 48

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Toole moved SB 318, as amended, be concurred in. Motion carried as follows:

March 29, 1993

Ayes: Bachini, Bardanouve, Barnhart, Bird, Bohlinger, Brooke, Brown, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Endy, Ewer, Fagg, Fisher, Galvin, Gervais, Hansen, Harper, Harrington, J. Johnson, Kadas, Larson, McCaffree, McCarthy, McCulloch, Menahan, Molnar, L. Nelson, Pavlovich, Peck, Quilici, Raney, Ream, S. Rice, Russell, Ryan, Schwinden, Schye, Simon, Squires, Stanford, Strizich, Swanson, Toole, Tuss, Wallin, Wanzenried, Whalen, Wyatt.

Total 53

Noes: Anderson, Barnett, Benedict, Bergman, Bergsagel, Boharski, Brandewie, Clark, Cobb, DeBruycker, Ellis, Feland, Foster, Gilbert, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Herron, Hibbard, R. Johnson, Kasten, Keller, Knox, Mason, Mills, T. Nelson, Orr, Peterson, Rehbein, J. Rice, Rose, Sayles, Simpkins, Smith, Spring, Stovall, Tash, Tunby, Vogel, Wagner, Winslow, Wiseman, Zook, Mr. Speaker.

Total 47

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 329** - Representative Driscoll moved SB 329, third reading copy, be amended (amendment #1).

Representative Simon made a substitute motion that consideration of SB 329 be placed at the bottom of the second reading board. Motion carried.

**SB 334** - Representative Ewer moved consideration of SB 334 be placed at the bottom of the second reading board. Motion carried.

**SB 395** - Representative Wanzenried moved SB 395 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 99

Noes: Rehbein.

Total 1



Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 406** - Representative Vogel moved SB 406 be concurred in.

Representative S. Rice made a substitute motion to revert to the body of the bill for the purpose of amendment as follows (amendment #1):

1. Page 4, line 3.

Following: "determines"

Insert: ", "

2. Page 4, line 5.

Following: "hearing"

Insert: "or on the basis of credible evidence that a party has violated [section 1 of Senate Bill No. 37],"

3. Page 4, line 13.

Following: "issued."

Insert: "A permanent injunction may also be issued enjoining a party from stalking upon presentation of credible evidence that the party has violated [section 1 of Senate Bill No. 37] if the court determines that the stalked party needs permanent protection."

4. Page 4, line 14.

Strike: "Restraining"

Insert: "Except when the alleged conduct to be restrained is a violation of [section 1 of Senate Bill No. 37], restraining"

Amendment #1 passed as follows:

Ayes: Anderson, Bardanouve, Barnhart, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Larson, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, Orr, Pavlovich, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Schwinden, Schye, Simon, Simpkins, Smith, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 81

Noes: Bachini, Barnett, Benedict, Bergman, Bergsagel, DeBruycker, Ellis, Feland, Hayne, Herron, Keller, Knox, Mason, T. Nelson, Peck, Sayles, Spring, Vogel, Wagner.

Total 19

Excused: None.

Total 0

Absent or not voting: None.  
Total 0

Representative Vogel moved SB 406, as amended, be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Squires, Stanford, Stovall, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 95

Noes: Bergsagel, Orr, Spring, Whalen.  
Total 4

Excused: None.  
Total 0

Absent or not voting: Strizich.  
Total 1

**SB 403** - Representative Boharski moved SB 403 be concurred in. Motion carried as follows:

Ayes: Anderson, Bardanouve, Barnett, Barnhart, Bergman, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Foster, Galvin, Gervais, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, R. Johnson, Kadas, Keller, Knox, Larson, Mason, McCarthy, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simpkins, Smith, Spring, Squires, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Wagner, Wanzenried, Winslow, Wiseman, Zook, Mr. Speaker.  
Total 79

Noes: Bachini, Benedict, Bergsagel, Bird, Cobb, DeBruycker, Fisher, Gilbert, J. Johnson, Kasten, McCaffree, McCulloch, Peck, Rehbein, Simon, Stanford, Tuss, Vogel, Wallin, Whalen, Wyatt.  
Total 21

Excused: None.  
Total 0

Absent or not voting: None.

Total 0

**SJR 11** - Representative Ryan moved SJR 11 be concurred in. Motion carried as follows:

Ayes: Bachini, Bardanouve, Barnett, Barnhart, Bergman, Bird, Bohlinger, Brandewie, Brooke, Brown, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tuss, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wyatt, Mr. Speaker.

Total 81

Noes: Anderson, Benedict, Bergsagel, Boharski, Clark, Fisher, Grinde, Hayne, Kasten, Knox, Peterson, Rehbein, Simpkins, Smith, Spring, Tunby, Vogel, Wiseman, Zook.

Total 19

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SJR 24** - Representative Fagg moved SJR 24 be concurred in. Motion carried as follows:

Ayes: Bachini, Bardanouve, Barnett, Barnhart, Bergman, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Endy, Ewer, Fagg, Galvin, Gervais, Gilbert, Grimes, Hansen, H.S. Hanson, Harper, Harrington, Hayne, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Mr. Speaker.

Total 81

Noes: Anderson, Benedict, Bergsagel, Bird, DeBruycker, Ellis, Feland, Fisher, Foster, Grinde, M. Hanson, Herron, McCaffree, Orr, Rehbein, Spring, Wagner, Zook.

Total 18

Excused: None.

Total 0

Absent or not voting: Grady.

Total 1

**SB 329** - Representative Driscoll moved SB 329, third reading copy, be amended as follows (amendment #1):

That the Labor Committee amendments, dated March 22, 1993, to Senate Bill 329 be amended as follows:

1. Strike: committee amendments 1 and 3 through 6 [preserving amendment 2].

And that the 3rd reading copy be further amended:

2. Page 10, lines 10 through 14.

Following: "performed" on line 10

Strike: remainder of line 10 through "performed" on line 14

Amendment #1 passed as follows:

Ayes: Bachini, Bardanoue, Barnhart, Bird, Bohlinger, Brandewie, Brooke, Brown, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Endy, Ewer, Fagg, Feland, Foster, Galvin, Gervais, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hibbard, J. Johnson, R. Johnson, Kadas, Larson, Mason, McCaffree, McCarthy, Menahan, Molnar, L. Nelson, Orr, Pavlovich, Peck, Quilici, Raney, Ream, J. Rice, S. Rice, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Wagner, Wanzenried, Whalen, Winslow, Wyatt, Zook, Mr. Speaker.

Total 70

Noes: Anderson, Barnett, Benedict, Bergman, Bergsagel, Boharski, Clark, Cobb, DeBruycker, Fisher, Gilbert, Grimes, Grinde, Hayne, Herron, Kasten, Keller, Knox, T. Nelson, Peterson, Rehbein, Rose, Spring, Vogel, Wallin, Wiseman.

Total 26

Excused: None.

Total 0

Absent or not voting: Ellis, Grady, McCulloch, Mills.

Total 4

Representative R. Johnson moved SB 329, as amended, be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanoue, Barnett, Barnhart, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Grimes, H.S. Hanson, M. Hanson, Harper, Harrington, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith,



Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Wanzenried, Whalen, Winslow, Wyatt, Zook, Mr. Speaker.

Total 82

Noes: Benedict, Clark, Cobb, DeBruycker, Gilbert, Grinde, Hayne, Herron, T. Nelson, Rehbein, Rose, Vogel, Wagner, Wallin, Wiseman.

Total 15

Excused: None.

Total 0

Absent or not voting: Bergsagel, Grady, Hansen.

Total 3

**SB 334** - Representative Harper moved SB 334, third reading copy, be amended (amendment #1). Amendment #1 failed as follows: (39-61)

Representative Ewer moved SB 334, third reading copy, be amended (amendment #2). Amendment #2 failed as follows: (38-62)

Representative Ewer moved SB 334, third reading copy, be amended (amendment #3). Amendment #3 failed as follows: (43-57)

Representative Keller moved SB 334 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Barnett, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brown, Clark, Davis, DeBruycker, Driscoll, Elliott, Ellis, Endy, Fagg, Feland, Foster, Gilbert, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kasten, Keller, Knox, Mason, McCarthy, Mills, Molnar, T. Nelson, Orr, Peterson, Rehbein, J. Rice, Rose, Russell, Ryan, Sayles, Simon, Simpkins, Smith, Spring, Stovall, Tash, Tunby, Vogel, Wagner, Wallin, Winslow, Wiseman, Zook, Mr. Speaker.

Total 62

Noes: Bardanouve, Barnhart, Brooke, Cobb, Cocchiarella, Daily, Dolezal, Dowell, Ewer, Fisher, Galvin, Gervais, Hansen, Harper, Harrington, Kadas, Larson, McCaffree, McCulloch, Menahan, L. Nelson, Pavlovich, Peck, Quilici, Raney, Ream, S. Rice, Schwinden, Schye, Squires, Stanford, Strizich, Swanson, Toole, Tuss, Wanzenried, Whalen, Wyatt.

Total 38

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Grinde moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman Cocchiarella moved the adoption of the committee report.

Representative Bachini made a substitute motion SB 98 be segregated from the Committee of the Whole report and the remainder of the report be adopted. Motion carried. (88-10)

## REPORTS OF STANDING COMMITTEES

BILLS (Hayne, Chairman): 3/29/93  
Correctly engrossed for third reading: HB 219, HB 670, HB 688.  
Correctly enrolled: HB 232, HB 336, HB 349.  
Delivered to the Governor for his approval at 1:45 p.m., 3/29/93: HB 327,  
HB 329, HB 337, HB 340, HB 372, HB 373, HB 534, HB 561,  
HB 566, HB 577, HB 634, HB 650.

EDUCATION AND CULTURAL RESOURCES (H. S. Hanson, Chairman):  
3/29/93

**SB 32**, third reading copy, be amended as follows:

1. Title, line 8.  
Following: "PROVIDING"  
Insert: "STATE SUPPORT FOR A PORTION OF A SCHOOL FACILITY  
ENTITLEMENT PER ANB THROUGH"
2. Title, line 9.  
Strike: "THE DEBT SERVICE FUND OF"
3. Title, line 11.  
Following: "ANB;"  
Insert: "ALLOWING THE TRUSTEES OF A DISTRICT TO PROPOSE A  
SCHOOL FACILITY LEVY FOR UP TO THE SCHOOL FACILITY  
ENTITLEMENT AMOUNT FOR THE DISTRICT;"
4. Page 2, line 2.  
Following: "for"  
Strike: "debt service"  
Insert: "school facility entitlements"  
Strike: "20-9-367"  
Insert: "[section 8]"
5. Page 5, line 19.  
Strike: "debt service"  
Insert: "school facility entitlement"
6. Page 6, line 10.  
Strike: "and its debt service fund"  
Insert: "or based on the state support amount for the district as provided  
for in [section 7]"
7. Page 7, lines 20 and 21.  
Following: "receive" on line 20  
Strike: remainder of line 20 through "AND" on line 21  
Insert: "for the state support amount for the school facility entitlement  
amount"

8. Page 7, line 25 through page 8, line 2.

Strike: line 25 through "(B)" on line 2

Insert: "state support amount for the school facility entitlement amount"

9. Page 13, line 19.

Following: line 18

Insert: "NEW SECTION. Section 7. Definitions. As used in this title, unless the context clearly indicates otherwise, the following definitions apply:

(1) "School facility entitlement" means:

(a) \$220 per ANB for an elementary school district;

(b) \$330 per ANB for a high school district; or

(c) \$270 per ANB for an approved and accredited junior high school or middle school.

(2) "School facility entitlement amount" means the school facility entitlement times the total ANB for the district.

(3) "School facility entitlement revenue" means revenue from any district school facility levy and from the state support amount for a district that is eligible for guaranteed tax base aid under the provisions of 20-9-366 through 20-9-369, not to exceed the school facility entitlement amount for a district.

(4) "School facility levy" means the district levy in support of the school facility entitlement amount.

(5) "State support amount" means the amount:

(a) distributed from the state equalization aid account to a district that is eligible for guaranteed tax base aid under the provisions of 20-9-366 through 20-9-369; and

(b) calculated in the following manner:

(i) the school facility entitlement amount times  $(1 - (\text{district taxable value per ANB} / \text{statewide taxable value per ANB}))$  times 5% for the school fiscal year beginning July 1, 1993; and

(ii) the school facility entitlement amount times  $(1 - (\text{district taxable value per ANB} / \text{statewide taxable value per ANB}))$  times 10% of the school facility entitlement amount for a district for the school fiscal year beginning July 1, 1994.

NEW SECTION. Section 8. School facility entitlement revenue. (1) The trustees of a district may:

(a) accumulate school facility entitlement revenue within the building reserve fund of a district for the purposes provided for in 20-9-503;

(b) apply school facility entitlement revenue to reduce the net levy requirement of the district debt service fund as provided for in 20-9-439.

(2) The trustees of a district may propose a school facility levy to fund any amount of the school facility entitlement amount for the district that is not funded by a state support amount as provided for in [section 7].

(3) The trustees of a district may not expend school facility entitlement revenue for the purposes provided for in subsection (1) unless the criteria in [section 9] have been met."

Renumber: subsequent sections

10. Page 13, lines 19 and 20.

Following: "FOR" on line 19

Strike: remainder of line 19 through "SERVICE" on line 20

Insert: "expenditure of school facility entitlement revenue"

11. Page 13, lines 21 and 22.

Following: the first "FOR" on line 21

Strike: remainder of line 21 through "20-9-368" on line 22

Insert: "expenditure of school facility entitlement revenue as allowed by 20-9-439 and [section 8]"

12. Page 14, line 7.

Following: "BONDS"

Insert: "or project funded in the building reserve"

13. Page 14, lines 18 and 19.

Following: "ANY," on line 18

Strike: remainder of line 18 through "QUALIFIES" on line 19

Insert: "that the district is qualified to expend in school facility entitlement revenue"

14. Page 14, line 20.

Following: line 19

Insert: "NEW SECTION. Section 10. Codification instruction. [Sections 7 through 9] are intended to be codified as an integral part of Title 20, chapter 9, and the provisions of Title 20, chapter 9, apply to [sections 7 through 9]."

Renumber: subsequent sections

And, as amended, be concurred in. Report adopted.

**SB 278**, third reading copy, be amended as follows:

1. Page 11, line 25.

Strike: "1992"

Insert: "1993"

And, as amended, be concurred in. Report adopted.

**SB 348**, third reading copy, be amended as follows:

1. Page 1, line 11.

Following: line 10

Insert: "STATEMENT OF INTENT"

A statement of intent is required for this bill because 20-7-431 gives the superintendent of public instruction rulemaking authority to implement changes in special education funding distribution.

It is the intent of the legislature to enhance student and taxpayer equity by revising the method of distributing special education state funding to school districts and special education cooperatives. A revision in funding distribution methods may necessitate transitional steps to minimize disruption of program



services to students. It is intended that the superintendent of public instruction implement the changes in the funding provisions of this bill to assist a smoother transition and to minimize the impact of the changes to students and districts."

And, as amended, be concurred in. Report adopted.

HIGHWAYS AND TRANSPORTATION (Clark, Chairman):  
**HB 679**, introduced bill, be amended as follows:

3/29/93

1. Title, line 13.

Following: "TRAINING;"

Insert: "AND"

2. Title, lines 13 and 14.

Strike: "; AND" on line 13 through "DATE" on line 14

3. Page 1, line 21.

Following: "state"

Insert: "that qualify as maintenance level 3 or greater in the United States forest service handbook"

4. Page 2, lines 13 and 14.

Strike: lines 13 and 14 in their entirety

Renumber: subsequent subsection

5. Page 2, line 18.

Following: "roads --"

Insert: "enforcement --"

6. Page 2, line 18.

Following: "exceptions."

Insert: "(1) Except as provided in subsection (2), U.S. bureau of land management roads in the state that qualify as collector roads in the U.S. bureau of land management manual, whether or not they meet the definition of a public highway by the laws of this state, are subject to the traffic laws of this state, and the Montana highway patrol and county sheriffs of this state have jurisdiction to investigate accidents and enforce the Montana traffic laws on those roads."

Renumber: subsequent subsections

7. Page 2, lines 24 and 25.

Following: "by the" on line 24

Strike: remainder of line 24 through "supervisor" on line 25

Insert: "authorized officer"

8. Page 3, lines 6 and 7.

Strike: lines 6 and 7 in their entirety

9. Page 3, line 11.

Following: "roads."

Insert: "(1)"

Strike: "An"

Insert: "Except as provided in subsection (2), an"

10. Page 3, line 20.

Following: line 19

Insert: "(2) An off-highway vehicle may not be operated on or across a highway that is part of the federal-aid interstate system."

11. Page 3, line 21.

Following: "responsibilities"

Insert: " -- unlicensed operators"

12. Page 4.

Following: line 23

Insert: "(5) An unlicensed operator who has successfully completed the off-highway vehicle safety education training program offered by the department of fish, wildlife, and parks may operate an off-highway vehicle on a maintenance level 3 or greater forest service road under the direct supervision of a licensed adult."

13. Page 7, lines 20 and 21.

Strike: Section 8 in its entirety

And, as amended, do pass. Report adopted.

**SB 255**, third reading copy, be concurred in. Report adopted.

**SB 416**, third reading copy, be amended as follows:

1. Title, line 7.

Strike: "\$200,000"

Insert: "\$500,000"

2. Page 2, line 12.

Strike: "\$200,000"

Insert: "\$500,000"

And, as amended, be concurred in. Report adopted.

**SB 417**, third reading copy, be concurred in and be placed on the consent calendar. Report adopted.

NATURAL RESOURCES (Knox, Chairman):

3/29/93

**SB 72**, third reading copy, be amended as follows:

1. Title, lines 11 through 14.

Following: ";" on line 11

Strike: "PROVIDING" on line 11 through "MONTANA" on line 14

Insert: "REQUIRING A PROGRAMMATIC ENVIRONMENTAL IMPACT STATEMENT FOR THE WEATHER MODIFICATION PROGRAM"

2. Page 5, lines 19 through 25.

Strike: section 3 in its entirety

Insert: "NEW SECTION. Section 3. Programmatic environmental impact statement. The board may not issue a permit under 85-3-206 until the department has prepared a programmatic environmental impact statement on activities under Title 85, chapter 3, as provided for under 75-1-201 and rules adopted pursuant to 75-1-201. The programmatic environmental impact statement must be completed by November 1, 1994."

And, as amended, be concurred in. Report adopted.

**SB 172**, third reading copy, be amended as follows:

1. Page 1, lines 12 and 13.

Strike: "PARTICULARLY," on line 12 through "MINUTE," on line 13

2. Page 5, line 22.

Strike: "35 gallons per minute"

3. Page 6, line 1.

Strike: "OR LESS, NOT TO EXCEED"

4. Page 7, line 21.

Strike: "of"

5. Page 7, line 22.

Strike: "35 gallons per minute"

6. Page 7, line 23.

Strike: "OR LESS,"

And, as amended, be concurred in. Report adopted.

**SB 248**, third reading copy, be concurred in. Report adopted.

**SB 280**, third reading copy, be amended as follows:

1. Page 2, line 1.

Following: "effects"

Insert: "on the uses of water as classified"

2. Page 3, line 6.

Following: "of"

Strike: "an"

Insert: "a prior"

3. Page 3, lines 16 through 20.

Strike: the second "is" on line 16 through "met" on line 20

Insert: "must contain substantial credible information establishing to the satisfaction of the department that the criteria in subsection (1)(g), (1)(h), or (1)(i), as applicable, may not be met. For the criteria set forth in subsection (1)(h), only the department of health and environmental sciences or a local water quality district established under Title 7, chapter 13, part 45, may file a valid objection"

4. Page 10, lines 21 through 23.

Strike: subsection (g) in its entirety

Renumber: subsequent subsection

5. Page 11, line 3.

Strike: "through (2)(h)"

Insert: "and (2)(g)"

6. Page 11, lines 4 through 8.

Strike: the second "is" on line 4 through "(2)(h)" on line 8

Insert: "must contain substantial credible information establishing to the satisfaction of the department that the criteria in subsection (2)(f) or (2)(g)"

7. Page 17, lines 20 through 22.

Strike: subsection (g) in its entirety

Renumber: subsequent subsection

8. Page 18, line 2.

Strike: "through (2)(h)"

Insert: "and (2)(g)"

9. Page 18, lines 3 through 6.

Strike: the second "is" on line 3 through "(2)(h)" on line 6

Insert: "must contain substantial credible information establishing to the satisfaction of the department that the criteria in subsection (2)(f) or (2)(g)"

10. Page 24, line 18.

Strike: "or"

11. Page 24, line 21.

Strike: "."

Insert: "; or

(g) that water quality within the ground water area is not suited for a specific beneficial use defined by 85-2-102(2)(a)."

And, as amended, be concurred in. Report adopted.

**SB 294**, third reading copy, be concurred in. Report adopted.

**SB 311**, third reading copy, be amended as follows:

1. Title, lines 7 and 8.

Following: the first "THAT"

Strike: "TERMS" on line 7 through "INVALID" on line 8

Insert: "THE DIVISION ORDER MAY NOT ALTER OR AMEND THE TERMS OF THE UNDERLYING OIL OR GAS LEASE"

2. Page 1, line 12.

Following: "section,"

Insert: "the term"

3. Page 1, line 13.



Strike: "means"

Insert: "is limited to mean"

Following: "instrument"

Strike: "used for directing"

Insert: "executed by the lessor of an oil or gas lease to authorize the sale of  
and direct"

4. Page 1, lines 16 through 19.

Strike: "is" on line 16 through "proceeds" on line 19

Insert: "may not alter or amend the terms of the underlying oil or gas lease"

5. Page 1, line 23.

Following: "and"

Strike: "must"

6. Page 1, line 24.

Following: "(a)"

Insert: "must"

7. Page 1, line 25.

Following: "(b)"

Insert: "must"

8. Page 2, line 2.

Following: "(c)"

Insert: "must"

9. Page 2, line 3.

Following: "ownership"

Insert: "; and

(d) may contain any other terms that are necessary to  
facilitate the transaction"

10. Page 2, line 4.

Strike: subsection (4) in its entirety

And, as amended, be concurred in. Report adopted.

**SB 339**, third reading copy, be amended as follows:

1. Page 1.

Following: line 11

Insert:

**"STATEMENT OF INTENT"**

It is the intent of the legislature that the department of health and environmental sciences give equal weight or value to a referendum held pursuant to this bill to that given to the other identified factors considered during the permitting process. It is also the intent of the legislature that there may not be more than one referendum per application."

2. Page 2.

Following: line 23

Insert: "(5) "Testing" includes but is not limited to the following activities if performed by a research and development facility whose primary purpose is to test and evaluate waste treatment remediation technologies and that receives federal or state research funds to support its operations:

- (a) research and development testing; or
- (b) evaluation and demonstration of waste treatment remediation technologies."

3. Page 4, lines 18 through 21.

Strike: subsection (5) in its entirety

4. Page 8, lines 21 through 25.

Strike: "If" on line 21 through "ELECTION." on line 25

5. Page 9, line 2.

Following: "GRANT"

Strike: " \_ "

Insert: "or"

6. Page 9, line 3.

Strike: ", OR MODIFY"

Following: "PERMIT"

Insert: "and apply the results equally to the other identified factors in the permitting process"

7. Page 19, lines 6 through 10.

Strike: "If" on line 6 through "election." on line 10

And, as amended, be concurred in. Report adopted.

Adverse Committee Report

**SB 196**, third reading copy, be not concurred in.

### **FIRST READING AND COMMITMENT OF BILLS AND RESOLUTIONS**

The following Senate bills were introduced, read first time, and referred to committee:

**SB 428**, introduced by Aklestad, referred to Committee on Taxation

**SB 431**, introduced by Aklestad, B. Brown, Peck, Harp, Hockett, referred to Committee on Taxation

**SB 438**, introduced by Stang (by request of the Senate Taxation Committee), referred to Committee on Taxation

### **MOTIONS**

Representative Elliott moved the House reconsider its action on HB 687 taken on second reading this legislative day. Motion carried. (64-36)

Representative Elliott moved the rules be suspended to permit placement and consideration of HB 687 on second reading and third reading on the seventy-first legislative day. Motion carried.

Representative Grady moved SB 118 be taken from engrossing and rereferred to the Committee on Appropriations. Motion carried.

#### **ANNOUNCEMENTS**

Committee meetings were announced by committee chairmen.

Representative Grinde moved the House adjourn until 8:00 a.m., Tuesday, March 30, 1993. Motion carried.

House adjourned at 7:40 p.m.

John Mercer, Speaker

Marilyn Miller, Chief Clerk

## SEVENTY-FIRST LEGISLATIVE DAY

Helena, Montana  
March 30, 1993

House Chambers  
State Capitol

House convened at 8:00 a.m. Mr. Speaker in the Chair. Invocation by Representative R. Johnson. Pledge of Allegiance to the Flag.

Roll call. All members present. Quorum present.

### REPORTS OF SELECT COMMITTEES

Conference Committee  
on House Bill 49  
Report No. 1, March 29, 1993

Mr. Speaker and Mr. President:

We, your Conference Committee on House Bill 49, met and considered and recommend that House Bill 49 (reference copy -- salmon) be amended as follows:

1. Page 6, line 2.

Following: "instruction."

Insert: "A person may apply to the board for an exception to the educational requirement of a high school diploma or the equivalent of a high school diploma. The board shall adopt by rule procedures for granting an exception."

2. Page 7, line 18.

Following: "manicuring."

Insert: "A person may apply to the board for an exception to the educational requirement of a high school diploma, the equivalent of a high school diploma, or a vocational-technical center certificate of completion. The board shall adopt by rule procedures for granting an exception."

(A statement of intent is not necessary as the board currently has rulemaking authority in the application process and eligibility requirements.)

And that this Conference Committee report be adopted.

For the House:

For the Senate:

Simon, Chairman  
Dolezal  
Brandewie

Christiaens, Chairman  
Mesaros  
Lynch

### MESSAGES FROM THE SENATE

House bills concurred in and returned to the House:

3/29/93

**HB 132**, introduced by Wyatt

**HB 144**, introduced by Stanford

**HB 191**, introduced by Strizich

**HB 238**, introduced by Smith



**HB 355**, introduced by Harper  
**HB 368**, introduced by Wyatt  
**HB 421**, introduced by Strizich  
**HB 481**, introduced by Wyatt  
**HB 503**, introduced by Ream  
**HB 528**, introduced by Tuss  
**HB 536**, introduced by Tuss  
**HB 541**, introduced by L. Nelson  
**HB 550**, introduced by Bergman  
**HB 574**, introduced by J. Rice  
**HB 575**, introduced by DeBruycker  
**HB 632**, introduced by Molnar  
**HB 635**, introduced by Fagg  
**HB 656**, introduced by R. Johnson  
**HB 659**, introduced by Peterson  
**HJR 2**, introduced by Hayne  
**HJR 6**, introduced by Pavlovich

House bills concurred in as amended and returned to the House for  
concurrence in Senate amendments: 3/29/93

**HB 235**, introduced by Toole  
**HB 317**, introduced by Gilbert  
**HB 397**, introduced by McCulloch  
**HB 401**, introduced by Kadas  
**HB 433**, introduced by Ellis  
**HB 507**, introduced by Sayles  
**HB 510**, introduced by Hansen  
**HB 562**, introduced by J. Rice  
**HB 564**, introduced by Bergsagel  
**HB 610**, introduced by Whalen  
**HB 619**, introduced by Whalen

House bill indefinitely postponed and returned to the House: 3/27/93

**HB 463**, introduced by Boharski

House bill requested to be returned for further consideration: 3/29/93

**HB 463**, introduced by Boharski

Senate bills passed and transmitted to the House for concurrence:  
3/29/93

**SB 87**, introduced by Crippen  
**SB 373**, introduced by Beck  
**SB 374**, introduced by Franklin

House amendments to Senate bills concurred in: 3/29/93

**SB 51**, introduced by Bianchi  
**SB 121**, introduced by Franklin

Conference committee report #1 adopted:

3/29/93

**SB 58**, introduced by Swift

Free conference committee report #1 adopted:

3/29/93

**SB 14**, introduced by Swift

**FIRST READING AND COMMITMENT  
OF BILLS AND RESOLUTIONS**

The following Senate bills were introduced, read first time, and referred to committee:

**SB 87**, introduced by Crippen (by request of the Governor), referred to Committee on State Administration

**SB 373**, introduced by Beck (by request of the Department of Justice), referred to Committee on Business and Economic Development

**SB 374**, introduced by Franklin, Wyatt, Christiaens, Wiseman, Strizich, Halligan, Hockett, Yellowtail, Doherty, Wilson, Ryan, Foster, Tuss, Dolezal, S. Rice, Galvin, Jergeson, Cobb, Simpkins, Mesaros, Schye, referred to Committee on Taxation

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Orr in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 687** - Representative Elliott moved HB 687 do pass. Motion carried as follows:

Ayes: Anderson, Barnett, Barnhart, Benedict, Bohlinger, Brandewie, Brooke, Brown, Cocchiarella, Daily, Dolezal, Dowell, Driscoll, Elliott, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Grady, Grimes, Hansen, H.S. Hanson, Harper, Harrington, Hibbard, J. Johnson, R. Johnson, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Quilici, Ream, J. Rice, S. Rice, Rose, Russell, Schwinden, Schye, Simon, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Tunby, Tuss, Vogel, Wallin, Whalen, Winslow.  
Total 65

Noes: Bachini, Bardanouve, Bergman, Bergsagel, Bird, Boharski, Clark, Cobb, Davis, DeBruycker, Ellis, Feland, Gilbert, Grinde, M. Hanson, Hayne, Herron, Kadas, Kasten, Mills, Peck, Peterson, Raney, Rehbein, Ryan, Sayles, Simpkins, Smith, Toole, Wagner, Wanzenried, Wiseman, Wyatt, Mr. Speaker.  
Total 34

Excused: None.

Total 0

Absent or not voting: Zook.

Total 1

**SB 31** - Representative Ellis moved SB 31 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Mr. Speaker.

Total 92

Noes: Bergsagel, Cobb, DeBruycker, Feland, Grinde, Kasten.

Total 6

Excused: None.

Total 0

Absent or not voting: Grimes, Zook.

Total 2

**SB 189** - Representative Brandewie moved SB 189 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Bohlinger, Brandewie, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 97

Noes: Boharski, Cobb, J. Rice.

Total 3

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 215** - Representative Barnhart moved SB 215 be concurred in. Motion carried as follows:

Ayes: Anderson, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Grady, Grimes, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Larson, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Stanford, Stovall, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wyatt, Zook, Mr. Speaker.  
Total 88

Noes: Bachini, Bergsagel, Bird, Gilbert, Kasten, Mason, Rehbein, Spring, Wiseman.  
Total 9

Excused: None.  
Total 0

Absent or not voting: Grinde, Squires, Strizich.  
Total 3

**SB 217** - Representative Grimes moved SB 217 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Boharski, Bohlinger, Brandewie, Brooke, Clark, Cobb, Daily, Davis, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Grimes, Grinde, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, J. Johnson, R. Johnson, Kadas, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, L. Nelson, Orr, Peck, Peterson, Quilici, Raney, Ream, Rehbein, S. Rice, Rose, Russell, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Vogel, Wagner, Wallin, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 75

Noes: Bird, Brown, Cocchiarella, DeBruycker, Dolezal, Dowell, Driscoll, Feland, Gervais, Gilbert, Hansen, Herron, Kasten, Keller, Mills, Molnar, T. Nelson, Pavlovich, J. Rice, Ryan, Tuss, Wanzenried, Whalen, Winslow.  
Total 24

Excused: None.



Total 0

Absent or not voting: Grady.

Total 1

**SB 260** - Representative Wyatt moved SB 260 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 97

Noes: DeBruycker, Gilbert.

Total 2

Excused: None.

Total 0

Absent or not voting: Strizich.

Total 1

**SB 288** - Representative Squires moved SB 288 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 95

Noes: DeBruycker, Ellis, Gilbert, R. Johnson, Spring.

Total 5

Excused: None.

Total 0

Absent or not voting: None.  
Total 0

**SB 332** - Representative Hansen moved SB 332, third reading copy, be amended as follows (amendment #1):

1. Page 2.

Following: line 21

Insert: "(3) The commissioners and the governing body may, at any time, adopt a resolution changing the method by which the members of the board are selected. The resolution must contain a provision that the term of office of the current members of the board may not be shortened."

Amendment #1 passed as follows:

Ayes: Anderson, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cocchiarella, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Gervais, Gilbert, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCarthy, McCulloch, Menahan, Mills, Molnar, T. Nelson, Orr, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Zook, Mr. Speaker.  
Total 84

Noes: Bachini, Bergsagel, Daily, DeBruycker, Feland, Galvin, Herron, McCaffree, L. Nelson, Pavlovich, Peck, Peterson, Rose.  
Total 13

Excused: None.  
Total 0

Absent or not voting: Cobb, Grady, Wyatt.  
Total 3

Representative Hansen moved SB 332, as amended, be concurred in.  
Motion carried as follows:

Ayes: Bardanouve, Barnhart, Benedict, Bergman, Boharski, Bohlinger, Brooke, Brown, Cobb, Cocchiarella, Davis, Dolezal, Dowell, Driscoll, Elliott, Endy, Ewer, Fisher, Galvin, Gervais, Hansen, Harper, Harrington, J. Johnson, R. Johnson, Kadas, Larson, McCarthy, McCulloch, Menahan, Orr, Pavlovich, Quilici, Raney, Ream, S. Rice, Russell, Sayles, Schwinden, Schye, Simon, Smith, Squires, Stanford, Strizich, Swanson, Toole, Tuss, Wallin, Wanzenried, Whalen, Wyatt.  
Total 52

Noes: Anderson, Bachini, Barnett, Bergsagel, Bird, Brandewie, Clark, Daily, DeBruycker, Ellis, Fagg, Feland, Foster, Gilbert, Grimes, Grinde, H.S.

Hanson, M. Hanson, Hayne, Herron, Hibbard, Kasten, Keller, Knox, Mason, McCaffree, Mills, Molnar, L. Nelson, T. Nelson, Peck, Peterson, Rehbein, J. Rice, Rose, Ryan, Simpkins, Spring, Stovall, Tash, Tunby, Vogel, Wagner, Winslow, Wiseman, Zook, Mr. Speaker.

Total 47

Excused: None.

Total 0

Absent or not voting: Grady.

Total 1

**SB 358** - Representative Vogel moved consideration of SB 358 be placed at the bottom of the second reading board. Motion carried.

**SB 364** - Representative Bohlinger moved SB 364 be concurred in. Motion carried as follows:

Ayes: Bardanouve, Barnhart, Benedict, Bergman, Boharski, Bohlinger, Brooke, Brown, Cocchiarella, Davis, Dolezal, Dowell, Driscoll, Elliott, Endy, Ewer, Fisher, Galvin, Gervais, Grinde, Hansen, Harper, Harrington, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Larson, Mason, McCaffree, McCarthy, McCulloch, L. Nelson, Pavlovich, Quilici, Raney, Ream, S. Rice, Russell, Ryan, Schwinden, Schye, Simon, Smith, Squires, Stanford, Strizich, Toole, Tuss, Wallin, Wanzenried, Wiseman, Wyatt.

Total 54

Noes: Anderson, Bachini, Barnett, Bergsagel, Brandewie, Clark, Cobb, Daily, DeBruycker, Ellis, Fagg, Feland, Foster, Gilbert, Grady, Grimes, M. Hanson, Hayne, Kasten, Keller, Knox, Menahan, Mills, Molnar, T. Nelson, Orr, Peck, Peterson, Rehbein, J. Rice, Rose, Sayles, Simpkins, Stovall, Tash, Tunby, Vogel, Wagner, Whalen, Winslow, Zook, Mr. Speaker.

Total 42

Excused: None.

Total 0

Absent or not voting: Bird, H.S. Hanson, Spring, Swanson.

Total 4

**SB 392** - Representative Smith moved SB 392 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Galvin, Gervais, Grady, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss,

Vogel, Wagner, Wallin, Wanzenried, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 91

Noes: DeBruycker, Feland, Gilbert, Keller, T. Nelson, Whalen.  
Total 6

Excused: None.  
Total 0

Absent or not voting: Foster, Grimes, Hayne.  
Total 3

**SB 408** - Representative Sayles moved SB 408 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 100

Noes: None.  
Total 0

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 425** - Representative Whalen moved SB 425 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Brandewie, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Schwinden, Schye, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Vogel,



Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 90

Noes: DeBruycker, Feland, Gilbert, Rehbein, Sayles, Simpkins, Tuss.  
Total 7

Excused: None.  
Total 0

Absent or not voting: Bohlinger, Cobb, Simon.  
Total 3

**HB 455** - Representative Elliott moved consideration of HB 455 be placed at the bottom of the second reading board. Motion carried.

**SJR 15** - Representative J. Rice moved SJR 15 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Brandewie, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simpkins, Smith, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 86

Noes: Bergsagel, Bird, Boharski, DeBruycker, Feland, Gilbert, Herron, Molnar, Peterson, Rehbein, Spring.  
Total 11

Excused: None.  
Total 0

Absent or not voting: Bohlinger, Cobb, Simon.  
Total 3

**SB 23** - Representative Grimes moved SB 23 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Benedict, Bergman, Bergsagel, Bird, Boharski, Brandewie, Clark, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Raney, Ream, Rehbein, Rose, Russell, Sayles,

Schwinden, Schye, Simpkins, Smith, Squires, Stanford, Stovall, Strizich, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 84

Noes: Barnhart, Brooke, Brown, McCarthy, McCulloch, S. Rice, Ryan, Spring, Swanson, Wanzenried.  
Total 10

Excused: None.  
Total 0

Absent or not voting: Bohlinger, Cobb, Quilici, J. Rice, Simon, Whalen.  
Total 6

**SB 73** - Representative Rehbein moved SB 73 be concurred in. Motion carried as follows:

Ayes: Anderson, Bardanoue, Barnett, Bergman, Bergsagel, Boharski, Bohlinger, Brandewie, Brown, Cobb, Davis, DeBruycker, Elliott, Ellis, Endy, Fagg, Feland, Fisher, Foster, Gilbert, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Herron, Hibbard, R. Johnson, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, Mills, Molnar, L. Nelson, T. Nelson, Orr, Peck, Peterson, Quilici, Rehbein, J. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Simon, Simpkins, Smith, Spring, Stanford, Stovall, Swanson, Tash, Toole, Tunby, Vogel, Wagner, Wanzenried, Winslow, Wiseman, Zook, Mr. Speaker.  
Total 68

Noes: Bachini, Barnhart, Bird, Brooke, Clark, Cocchiarella, Daily, Dolezal, Dowell, Driscoll, Ewer, Galvin, Gervais, Hansen, Harper, Harrington, Kadas, McCulloch, Menahan, Pavlovich, Raney, Ream, S. Rice, Schye, Strizich, Tuss, Wallin, Whalen, Wyatt.  
Total 29

Excused: None.  
Total 0

Absent or not voting: Benedict, J. Johnson, Squires.  
Total 3

**SB 78** - Representative Fagg moved SB 78 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanoue, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Larson, Mason, McCaffree, McCarthy, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Schwinden, Schye, Simon,

Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Zook, Mr. Speaker.

Total 93

Noes: Brooke, Brown, Herron, McCulloch, Sayles, Wyatt.

Total 6

Excused: None.

Total 0

Absent or not voting: Knox.

Total 1

**SB 323** - Representative Fagg moved SB 323 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Barnett, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Clark, Cobb, DeBruycker, Dolezal, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gilbert, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Harper, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCulloch, Mills, Molnar, L. Nelson, T. Nelson, Orr, Peck, Peterson, Quilici, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Simon, Simpkins, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Vogel, Wagner, Wallin, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 79

Noes: Bardanouve, Brown, Cocchiarella, Daily, Davis, Dowell, Driscoll, Gervais, Hansen, Harrington, McCaffree, McCarthy, Menahan, Pavlovich, Raney, Schwinden, Schye, Smith, Tuss, Wanzenried.

Total 20

Excused: None.

Total 0

Absent or not voting: Barnhart.

Total 1

**SB 310** - Representative Anderson moved consideration of SB 310 be placed at the bottom of the second reading board. Motion carried.

**SB 153** - Representative J. Rice moved SB 153 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Boharski, Bohlinger, Brandewie, Brooke, Clark, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Grady, Grimes, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich,

Peck, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 88

Noes: Bergsagel, Bird, Brown, Cobb, Dowell, Gervais, Gilbert, Grinde, Herron, Rehbein, Whalen.  
Total 11

Excused: None.  
Total 0

Absent or not voting: Tash.  
Total 1

**SB 206** - Representative Feland moved SB 206 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brown, Clark, Cobb, Daily, Davis, DeBruycker, Dolezal, Driscoll, Ellis, Endy, Fagg, Feland, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, H.S. Hanson, M. Hanson, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kasten, Keller, Knox, Mason, McCarthy, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, Rose, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Stovall, Strizich, Tash, Tunby, Tuss, Wagner, Wallin, Whalen, Winslow, Wyatt, Zook, Mr. Speaker.  
Total 75

Noes: Barnhart, Brooke, Cocchiarella, Dowell, Elliott, Ewer, Fisher, Hansen, Harper, Harrington, Kadas, Larson, McCaffree, McCulloch, Russell, Ryan, Squires, Stanford, Swanson, Toole, Wanzenried, Wiseman.  
Total 22

Excused: None.  
Total 0

Absent or not voting: Grinde, S. Rice, Vogel.  
Total 3

**SB 314** - Representative Hibbard moved SB 314 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Endy, Ewer, Fagg, Feland, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice,



Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 92

Noes: Boharski, DeBruycker, Ellis, Fisher, Hayne, Kasten, Orr.

Total 7

Excused: None.

Total 0

Absent or not voting: Grinde.

Total 1

**SB 316** - Representative Harper moved consideration of SB 316 be placed at the bottom of the second reading board. Motion carried.

**SB 370** - Representative T. Nelson moved SB 370 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Sayles, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 93

Noes: Dowell, Kadas, Ryan, Tuss.

Total 4

Excused: None.

Total 0

Absent or not voting: Benedict, McCarthy, Schwinden.

Total 3

**SB 412** - Representative Gilbert moved SB 412, third reading copy, be amended as follows (amendment #1):

1. Page 2.

Following: line 20

Insert: "NEW SECTION, Section 2. Coordination instruction. If House Bill No. 312, Senate Bill No. 325, and [this act] are passed and approved, then 15-24-1204 is amended to read:

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"15-24-1204. Rate of privilege -- tax credit for federal payments in lieu of taxes. The tax imposed upon such the possession or other beneficial use of tax-exempt property for industrial, trade, or other business purposes shall be in the same amount and to the same extent as the ad valorem property tax would be if the possessor or user were the owner thereof, provided that there shall be is on the separate private interest in the tax-exempt property. The amount of payments that are made in lieu of taxes must be credited against the amount of tax so that is imposed upon the beneficial use of property owned by the federal government the amount of payments which are made in lieu of taxes."

Renumber: subsequent section

Amendment #1 passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Ellis, Endy, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Ryan, Sayles, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 94

Noes: Kadas.

Total 1

Excused: None.

Total 0

Absent or not voting: Bird, Elliott, Ewer, Russell, Schwinden.

Total 5

Representative Feland moved SB 412, as amended, be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Foster, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harrington, Hayne, Herron, Hibbard, J. Johnson, Kadas, Keller, Knox, Larson, Mason, McCarthy, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Vogel, Wagner, Wallin, Winslow, Wiseman, Zook, Mr. Speaker.

Total 84

Noes: Bergsagel, Cobb, Dowell, Fisher, Galvin, R. Johnson, Kasten, McCaffree, McCulloch, Spring, Squires, Tuss, Whalen, Wyatt.

Total 14

Excused: None.

Total 0

Absent or not voting: Harper, Wanzenried.

Total 2

**SB 358** - Representative Winslow moved consideration of SB 358 be passed for the day. Motion carried.

**HB 455** - Representative Elliott moved HB 455 do pass. Motion failed as follows:

Ayes: Barnhart, Boharski, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Foster, Galvin, Gervais, H.S. Hanson, Harrington, Hayne, J. Johnson, R. Johnson, Kadas, Kasten, Larson, McCaffree, McCulloch, Menahan, Mills, Molnar, L. Nelson, Raney, Ream, Rehbein, S. Rice, Russell, Ryan, Schwinden, Smith, Squires, Stanford, Strizich, Toole, Tuss, Vogel, Whalen, Wyatt.

Total 47

Noes: Anderson, Bachini, Bardanouve, Barnett, Benedict, Bergman, Bergsagel, Bird, Bohlinger, Brandewie, Brooke, Brown, Clark, Dolezal, Feland, Fisher, Gilbert, Grady, Grimes, Grinde, Hansen, M. Hanson, Harper, Herron, Hibbard, Keller, Knox, Mason, McCarthy, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, J. Rice, Rose, Sayles, Schye, Simon, Simpkins, Spring, Stovall, Swanson, Tash, Tunby, Wagner, Wallin, Wanzenried, Winslow, Wiseman, Zook, Mr. Speaker.

Total 53

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 310** - Representative Anderson moved consideration of SB 310 be placed at the bottom of the second reading board. Motion carried.

**SB 316** - Representative Harper moved consideration of SB 316 be placed at the bottom of the second reading board. Motion carried.

**HB 679** - Representative Clark moved HB 679 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis,

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Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, J. Johnson, R. Johnson, Kasten, Knox, Larson, Mason, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Wyatt, Zook, Mr. Speaker.

Total 91

Noes: Boharski, DeBruycker, Feland, Herron, Kadas, Keller, Winslow, Wiseman.

Total 8

Excused: None.

Total 0

Absent or not voting: McCaffree.

Total 1

**HB 666** - Representative Wanzenried moved HB 666, second reading copy, be amended as follows (amendment #1):

1. Gilbert amendments of March 23, 1993, 9:39 a.m.

Strike: the amendments in their entirety

Amendment #1 passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Bergsagel, Boharski, Bohlinger, Brandewie, Brooke, Brown, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Endy, Ewer, Fagg, Fisher, Galvin, Gervais, Grimes, Hansen, Harper, Harrington, Hibbard, J. Johnson, R. Johnson, Kadas, Knox, Larson, McCaffree, McCarthy, McCulloch, Menahan, Mills, Pavlovich, Peck, Quilici, Raney, Ream, S. Rice, Russell, Ryan, Sayles, Schwinden, Schye, Simpkins, Smith, Squires, Stanford, Strizich, Swanson, Toole, Tuss, Wallin, Wanzenried, Whalen, Wiseman, Wyatt, Mr. Speaker.

Total 65

Noes: Benedict, Bergman, Bird, Clark, Feland, Foster, Gilbert, Grady, Grinde, H.S. Hanson, M. Hanson, Hayne, Herron, Kasten, Keller, Mason, Molnar, L. Nelson, T. Nelson, Orr, Peterson, Rehbein, Rose, Simon, Spring, Stovall, Tash, Tunby, Vogel, Wagner, Winslow, Zook.

Total 32

Excused: None.

Total 0

Absent or not voting: DeBruycker, Ellis, J. Rice.

Total 3

Representative Wanzenried moved HB 666, as amended, do pass. Motion carried as follows:



Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Galvin, Gervais, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Knox, Larson, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Pavlovich, Peck, Quilici, Raney, Ream, J. Rice, S. Rice, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Squires, Stanford, Stovall, Strizich, Swanson, Toole, Tunby, Tuss, Vogel, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 84

Noes: Bergman, Feland, Foster, Gilbert, Grady, Hayne, Herron, Keller, Mason, Orr, Peterson, Rehbein, Rose, Spring, Tash, Wagner.

Total 16

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 72** - Representative Gilbert moved SB 72 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Foster, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 95

Noes: Dowell, Fisher, Galvin, Peterson, Wanzenried.

Total 5

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 248** - Representative Swanson moved SB 248 be concurred in. Motion carried as follows:

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Ayes: Anderson, Bachini, Bardanouve, Bergman, Bergsagel, Boharski, Bohlinger, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Driscoll, Ellis, Endy, Ewer, Fagg, Feland, Foster, Gervais, Gilbert, Grady, Grimes, H.S. Hanson, Harper, Harrington, Hayne, Hibbard, J. Johnson, Kadas, Keller, Knox, Larson, McCarthy, Menahan, Mills, Molnar, Orr, Pavlovich, Peck, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Smith, Squires, Strizich, Swanson, Toole, Tunby, Wagner, Wallin, Wanzenried, Winslow, Mr. Speaker.  
Total 66

Noes: Barnett, Benedict, Bird, Brandewie, Cobb, Dowell, Elliott, Fisher, Galvin, Grinde, Hansen, M. Hanson, Herron, R. Johnson, Kasten, Mason, McCaffree, McCulloch, L. Nelson, T. Nelson, Peterson, Rehbein, Simpkins, Spring, Stanford, Stovall, Tash, Tuss, Vogel, Whalen, Wiseman, Wyatt, Zook.  
Total 33

Excused: None.  
Total 0

Absent or not voting: Barnhart.  
Total 1

**SB 280** - Representative Gilbert moved SB 280 be concurred in. Motion carried as follows:

Ayes: Anderson, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Larson, Mason, McCarthy, McCulloch, Menahan, Mills, Molnar, T. Nelson, Orr, Pavlovich, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Toole, Tunby, Tuss, Vogel, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 84

Noes: Bachini, Bergsagel, Boharski, DeBruycker, Dowell, Feland, Fisher, Kasten, McCaffree, L. Nelson, Peck, Peterson, Rehbein, Simpkins, Tash, Wagner.  
Total 16

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 294** - Representative Feland moved SB 294 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanoue, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Cobb, Daily, Davis, DeBruycker, Dolezal, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Swanson, Tash, Toole, Tunby, Vogel, Wagner, Wallin, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 92

Noes: Clark, Cocchiarella, Dowell, Galvin, McCaffree, Strizich, Tuss, Wanzenried.

Total 8

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 311** - Representative Bergsagel moved SB 311 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanoue, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 100

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 172** - Representative Foster moved SB 172 be concurred in. Motion failed as follows:

Ayes: Bergman, Bergsagel, Bird, Boharski, Brandewie, Brooke, Brown, Cobb, Cocchiarella, Daily, DeBruycker, Feland, Foster, Gervais, Gilbert, Grimes, Grinde, Hansen, M. Hanson, Harrington, Kasten, Keller, Knox, McCarthy, Menahan, Molnar, L. Nelson, Orr, Pavlovich, Quilici, S. Rice, Tash, Vogel, Wagner, Wiseman, Zook.  
Total 36

Noes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bohlinger, Clark, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Ewer, Fagg, Fisher, Galvin, H.S. Hanson, Harper, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Larson, Mason, McCaffree, McCulloch, Mills, T. Nelson, Peck, Peterson, Raney, Ream, Rehbein, J. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Swanson, Toole, Tunby, Tuss, Wallin, Wanzenried, Whalen, Winslow, Wyatt, Mr. Speaker.  
Total 62

Excused: None.  
Total 0

Absent or not voting: Grady, Strizich.  
Total 2

**SB 255** - Representative Gilbert moved SB 255 be concurred in. Motion failed as follows:

Ayes: Barnhart, Bird, Brandewie, Brooke, Brown, Clark, Daily, Davis, Driscoll, Endy, Fagg, Feland, Gilbert, Grady, Grimes, Hansen, M. Hanson, Harrington, Hayne, Hibbard, R. Johnson, Knox, McCarthy, Menahan, Pavlovich, Quilici, Ryan, Simon, Swanson, Tunby, Vogel, Whalen, Zook, Mr. Speaker.  
Total 34

Noes: Anderson, Bachini, Barnett, Benedict, Bergman, Bergsagel, Boharski, Bohlinger, Cobb, DeBruycker, Dolezal, Dowell, Elliott, Ellis, Ewer, Fisher, Foster, Galvin, Gervais, Grinde, H.S. Hanson, Harper, J. Johnson, Kadas, Kasten, Keller, Larson, Mason, McCaffree, McCulloch, Mills, Molnar, L. Nelson, T. Nelson, Orr, Peck, Peterson, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Sayles, Schwinden, Schye, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Toole, Tuss, Wagner, Wallin, Wanzenried, Winslow, Wiseman, Wyatt.  
Total 62

Excused: None.  
Total 0

Absent or not voting: Bardanouve, Cocchiarella, Herron, Tash.  
Total 4

Representative Grinde moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman Orr moved the adoption of the committee report. Report adopted. (81-14)



**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 687** passed as follows:

Ayes: Anderson, Barnett, Barnhart, Benedict, Bohlinger, Brandewie, Brooke, Brown, Cocchiarella, Daily, Dolezal, Dowell, Driscoll, Elliott, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Grady, Grimes, Hansen, H.S. Hanson, Harper, Harrington, Hibbard, J. Johnson, R. Johnson, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Quilici, Ream, J. Rice, S. Rice, Rose, Russell, Schwinden, Schye, Simon, Spring, Squires, Stanford, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wallin, Whalen, Winslow, Wiseman.

Total 66

Noes: Bachini, Bardanouve, Bergman, Bergsagel, Bird, Boharski, Clark, Cobb, Davis, DeBruycker, Ellis, Gilbert, Grinde, M. Hanson, Hayne, Herron, Kadas, Kasten, Mills, Peck, Peterson, Raney, Rehbein, Ryan, Sayles, Simpkins, Smith, Stovall, Wagner, Wanzenried, Wyatt, Zook, Mr. Speaker.

Total 33

Excused: None.

Total 0

Absent or not voting: Feland.

Total 1

**HB 17** passed as follows:

Ayes: Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Bohlinger, Brandewie, Brooke, Brown, Cocchiarella, Daily, Davis, Dolezal, Dowell, Elliott, Ellis, Endy, Ewer, Fagg, Galvin, Gervais, Gilbert, Grady, H.S. Hanson, M. Hanson, Harper, Harrington, Hibbard, J. Johnson, R. Johnson, Kadas, Larson, Mason, McCarthy, McCulloch, Menahan, Mills, T. Nelson, Orr, Pavlovich, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Wallin, Wanzenried, Whalen, Wyatt, Zook, Mr. Speaker.

Total 69

Noes: Anderson, Bachini, Bergsagel, Boharski, Clark, Cobb, DeBruycker, Driscoll, Feland, Fisher, Foster, Grimes, Grinde, Hansen, Hayne, Herron, Kasten, Keller, Knox, McCaffree, Molnar, L. Nelson, Peck, Peterson, Rehbein, Smith, Spring, Vogel, Wagner, Winslow, Wiseman.

Total 31

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 70** passed as follows:

Ayes: Bardanouve, Barnett, Barnhart, Bergman, Bird, Bohlinger, Brandewie, Brooke, Brown, Cocchiarella, Daily, Davis, Dolezal, Dowell, Elliott, Ellis, Endy, Ewer, Fagg, Galvin, Gervais, Gilbert, Grady, Grimes, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Larson, Mason, McCaffree, McCarthy, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Pavlovich, Quilici, Raney, Ream, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Wallin, Wanzenried, Whalen, Zook, Mr. Speaker.

Total 71

Noes: Anderson, Bachini, Benedict, Bergsagel, Boharski, Clark, Cobb, DeBruycker, Driscoll, Feland, Fisher, Foster, Grinde, Hansen, Kasten, McCulloch, Orr, Peck, Peterson, Rehbein, J. Rice, Simpkins, Smith, Spring, Vogel, Wagner, Winslow, Wiseman, Wyatt.

Total 29

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 219** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, Kadas, Keller, Knox, Larson, Mason, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 92

Noes: R. Johnson, Kasten, McCaffree, Orr, Smith, Whalen.

Total 6

Excused: None.

Total 0

Absent or not voting: Pavlovich, S. Rice.

Total 2

**HB 322** passed as follows:

Ayes: Anderson, Bachini, Barnett, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brown, Clark, Cobb, DeBruycker, Driscoll, Elliott, Ellis, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kasten, Keller, Knox, Mason, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Peck, Rehbein, J. Rice, Rose, Sayles, Schwinden, Simon, Simpkins, Smith, Spring, Stovall, Tash, Tunby, Vogel, Wagner, Wallin, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 64

Noes: Bardanouve, Barnhart, Bergsagel, Brooke, Cocchiarella, Daily, Davis, Dolezal, Dowell, Endy, Ewer, Hansen, Harper, Harrington, Kadas, Larson, McCaffree, McCarthy, McCulloch, Pavlovich, Peterson, Quilici, Raney, Ream, S. Rice, Russell, Ryan, Schye, Squires, Stanford, Strizich, Swanson, Toole, Tuss, Wanzenried.

Total 35

Excused: None.

Total 0

Absent or not voting: Whalen.

Total 1

**HB 388** passed as follows:

Ayes: Bardanouve, Barnhart, Bergman, Bird, Bohlinger, Brandewie, Brooke, Brown, Clark, Cocchiarella, Daily, Dolezal, Ellis, Ewer, Fagg, Galvin, Gilbert, Grady, Grimes, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Mason, McCarthy, McCulloch, Menahan, Mills, Molnar, T. Nelson, Pavlovich, Quilici, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Spring, Squires, Stanford, Stovall, Swanson, Tash, Toole, Tunby, Wagner, Whalen, Wyatt, Zook, Mr. Speaker.

Total 64

Noes: Anderson, Bachini, Barnett, Benedict, Bergsagel, Boharski, Cobb, Davis, DeBruycker, Dowell, Driscoll, Elliott, Endy, Feland, Fisher, Foster, Gervais, Grinde, Hansen, Kasten, Larson, McCaffree, L. Nelson, Orr, Peck, Peterson, Raney, Rehbein, Smith, Strizich, Tuss, Vogel, Wallin, Wanzenried, Winslow, Wiseman.

Total 36

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 639** passed as follows:

Ayes: Anderson, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Foster,

March 30, 1993

Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Schwinden, Schye, Simon, Simpkins, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 87

Noes: Bachini, Bergsagel, Boharski, DeBruycker, Feland, Fisher, Kasten, Peck, Rehbein, Sayles, Smith, Winslow.

Total 12

Excused: None.

Total 0

Absent or not voting: Tash.

Total 1

**HB 643** passed as follows:

Ayes: Barnhart, Bergman, Bird, Bohlinger, Brooke, Cocchiarella, Davis, DeBruycker, Dolezal, Ellis, Endy, Ewer, Fagg, Feland, Gervais, Gilbert, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Herron, Hibbard, J. Johnson, Kadas, Keller, Knox, Larson, McCaffree, McCarthy, Menahan, Molnar, T. Nelson, Orr, Quilici, Raney, Ream, S. Rice, Rose, Russell, Ryan, Schye, Simon, Spring, Squires, Stanford, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Wallin, Wiseman, Zook.

Total 56

Noes: Anderson, Bachini, Bardanouve, Barnett, Benedict, Bergsagel, Boharski, Brandewie, Brown, Clark, Cobb, Daily, Dowell, Driscoll, Elliott, Fisher, Foster, Galvin, Grady, Grimes, Hayne, R. Johnson, Kasten, Mason, McCulloch, Mills, L. Nelson, Pavlovich, Peck, Peterson, Rehbein, J. Rice, Sayles, Schwinden, Simpkins, Smith, Stovall, Vogel, Wagner, Wanzenried, Whalen, Winslow, Wyatt, Mr. Speaker.

Total 44

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 651** passed as follows:

Ayes: Anderson, Bardanouve, Barnhart, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Ewer, Feland, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Hansen, H.S. Hanson, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Keller, Larson, McCarthy, Menahan, Mills, Molnar, T. Nelson, Orr, Pavlovich, Peterson, Quilici, Ream,



J. Rice, Russell, Ryan, Sayles, Simon, Simpkins, Squires, Stanford, Stovall, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Wyatt, Zook, Mr. Speaker.

Total 68

Noes: Bachini, Barnett, Benedict, Bergsagel, DeBruycker, Endy, Fagg, Fisher, Grinde, M. Hanson, Harper, Kadas, Kasten, Knox, Mason, McCaffree, McCulloch, L. Nelson, Peck, Raney, Rehbein, S. Rice, Rose, Schwinden, Schye, Smith, Strizich, Swanson, Tash, Winslow, Wiseman.

Total 31

Excused: None.

Total 0

Absent or not voting: Spring.

Total 1

**HB 670** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Gervais, Gilbert, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 94

Noes: Galvin, Hansen, Raney, Squires, Tuss.

Total 5

Excused: None.

Total 0

Absent or not voting: Brandewie.

Total 1

**HB 673** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brown, Clark, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye,

Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 93

Noes: Brooke, Cobb, Kasten, Orr, Rehbein, J. Rice.  
Total 6

Excused: None.  
Total 0

Absent or not voting: Wanzenried.  
Total 1

**HB 680** passed as follows:

Ayes: Bachini, Bardanouve, Barnhart, Benedict, Boharski, Bohlinger, Brandewie, Brooke, Brown, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Foster, Galvin, Gervais, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Schwinden, Schye, Simon, Simpkins, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 80

Noes: Anderson, Barnett, Bergman, Bergsagel, Bird, Clark, Cobb, DeBruycker, Fisher, Gilbert, Hayne, Herron, Kasten, Orr, Peterson, Ryan, Sayles, Smith, Spring, Vogel.  
Total 20

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 688** passed as follows:

Ayes: Bachini, Barnett, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brown, Clark, Cobb, Cocchiarella, Daily, DeBruycker, Dolezal, Driscoll, Ellis, Fagg, Feland, Fisher, Foster, Gilbert, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kasten, Keller, Mason, McCarthy, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peterson, Quilici, Rehbein, J. Rice, Rose, Ryan, Sayles, Simon, Simpkins, Smith, Spring, Stovall, Tash, Tunby, Vogel, Wagner, Wallin, Winslow, Wiseman, Zook, Mr. Speaker.  
Total 65

Noes: Bardanouve, Barnhart, Brooke, Davis, Dowell, Elliott, Endy, Ewer, Galvin, Gervais, Hansen, Harper, Harrington, Kadas, Larson, McCaffree,

McCulloch, Peck, Raney, Ream, S. Rice, Russell, Schwinden, Schye, Squires, Stanford, Strizich, Swanson, Toole, Tuss, Wanzenried, Whalen, Wyatt.

Total 33

Excused: None.

Total 0

Absent or not voting: Anderson, Knox.

Total 2

**SB 37** concurred in as follows:

Ayes: Bachini, Bardanouve, Barnett, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 98

Noes: Barnhart.

Total 1

Excused: None.

Total 0

Absent or not voting: Anderson.

Total 1

**SB 91** concurred in as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 97

Noes: Daily, Gilbert, Smith.  
Total 3

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 100** concurred in as follows:

Ayes: Anderson, Bachini, Barnhart, Benedict, Bird, Boharski, Bohlinger, Brandewie, Brown, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCarthy, McCulloch, Menahan, L. Nelson, T. Nelson, Pavlovich, Quilici, Raney, Ream, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Mr. Speaker.  
Total 81

Noes: Bardanouve, Barnett, Bergman, Bergsagel, Brooke, Clark, DeBruycker, Hayne, McCaffree, Mills, Molnar, Orr, Peck, Peterson, Rehbein, J. Rice, Spring, Tunby, Zook.  
Total 19

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 104** concurred in as follows:

Ayes: Anderson, Bachini, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Driscoll, Elliott, Ellis, Endy, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kasten, Keller, Knox, Larson, Mason, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Ream, Rehbein, J. Rice, S. Rice, Rose, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Stanford, Stovall, Swanson, Tash, Toole, Tunby, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Zook, Mr. Speaker.  
Total 87

Noes: Bardanouve, Brooke, Dowell, Ewer, Harper, Kadas, McCaffree, Raney, Russell, Squires, Strizich, Tuss, Wyatt.  
Total 13



Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 157** concurred in as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 96

Noes: Bird, Gilbert, Kasten, Rehbein.

Total 4

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 203** concurred in as follows:

Ayes: Anderson, Barnhart, Bergman, Bird, Bohlinger, Brandewie, Brooke, Brown, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Foster, Galvin, Gervais, Grady, Grimes, Grinde, Hansen, H.S. Hanson, Harper, Harrington, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Pavlovich, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook.

Total 72

Noes: Bachini, Bardanouve, Barnett, Benedict, Bergsagel, Boharski, Cobb, DeBruycker, Feland, Fisher, Gilbert, M. Hanson, Hayne, Kasten, Keller, Mills, Molnar, L. Nelson, T. Nelson, Orr, Peck, Rehbein, Smith, Spring, Wagner, Wallin, Mr. Speaker.

Total 27

Excused: None.

Total 0

Absent or not voting: Clark.

Total 1

**SB 229** concurred in as follows:

Ayes: Anderson, Benedict, Bergman, Bergsagel, Bird, Bohlinger, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Driscoll, Elliott, Ellis, Endy, Fagg, Feland, Foster, Gervais, Gilbert, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, J. Johnson, Kasten, Larson, Mason, McCarthy, McCulloch, Menahan, Molnar, L. Nelson, Orr, Pavlovich, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Whalen, Wiseman, Wyatt, Zook.

Total 69

Noes: Bachini, Bardanouve, Barnett, Barnhart, Boharski, Brandewie, Cobb, Dowell, Ewer, Fisher, Galvin, Grady, Grimes, Herron, R. Johnson, Kadas, Knox, McCaffree, Mills, T. Nelson, Peck, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Winslow, Mr. Speaker.

Total 30

Excused: None.

Total 0

Absent or not voting: Keller.

Total 1

**SB 238** concurred in as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, L. Nelson, T. Nelson, Orr, Pavlovich, Peterson, Quilici, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 93

Noes: Boharski, Driscoll, Gilbert, Molnar, Peck, Raney, Tuss.

Total 7

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 251** concurred in as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnhart, Bergman, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Grady, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 86

Noes: Barnett, Benedict, Bergsagel, Bird, DeBruycker, Gilbert, Grimes, Grinde, Hayne, Mason, Rehbein, Rose, Smith, Wagner.

Total 14

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 256** concurred in as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 100

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 258** concurred in as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 97

Noes: Toole, Whalen.  
Total 2

Excused: None.  
Total 0

Absent or not voting: McCulloch.  
Total 1

**SB 264** concurred in as follows:

Ayes: Anderson, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Elliott, Ellis, Endy, Ewer, Fagg, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCarthy, McCulloch, Menahan, Mills, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Quilici, Raney, Rehbein, J. Rice, S. Rice, Russell, Sayles, Schwinden, Schye, Simon, Simpkins, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Wiseman, Zook, Mr. Speaker.  
Total 84

Noes: Bachini, Bergsagel, Clark, Driscoll, Feland, Fisher, McCaffree, Peterson, Rose, Ryan, Smith, Whalen, Winslow, Wyatt.  
Total 14

Excused: None.  
Total 0

Absent or not voting: Molnar, Ream.  
Total 2

**SB 276** concurred in as follows:

Ayes: Bachini, Bardanouve, Barnhart, Bird, Bohlinger, Brooke, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Endy, Ewer, Fagg, Galvin, Gervais, Harper, Harrington, J. Johnson, Kadas, Larson,



McCaffree, McCulloch, Menahan, Molnar, L. Nelson, Pavlovich, Peck, Quilici, Raney, Ream, S. Rice, Russell, Ryan, Schwinden, Schye, Simon, Squires, Stanford, Strizich, Swanson, Toole, Wanzenried, Whalen, Wyatt.  
Total 47

Noes: Anderson, Barnett, Benedict, Bergman, Bergsagel, Boharski, Brandewie, Brown, Clark, Cobb, DeBruycker, Ellis, Feland, Fisher, Foster, Gilbert, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Herron, Hibbard, R. Johnson, Kasten, Keller, Knox, Mason, Mills, T. Nelson, Orr, Peterson, Rehbein, J. Rice, Rose, Sayles, Simpkins, Smith, Spring, Stovall, Tash, Tunby, Vogel, Wagner, Wallin, Winslow, Wiseman, Zook, Mr. Speaker.  
Total 50

Excused: None.  
Total 0

Absent or not voting: Hansen, McCarthy, Tuss.  
Total 3

**SB 291** concurred in as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Foster, Galvin, Gervais, Grady, Grimes, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 87

Noes: Clark, DeBruycker, Feland, Gilbert, Hayne, Herron, Mason, Orr, Peterson, Smith, Wagner.  
Total 11

Excused: None.  
Total 0

Absent or not voting: Fisher, Grinde.  
Total 2

**SB 298** concurred in as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Brandewie, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Grady, Grimes, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L.

Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 92

Noes: Cobb, DeBruycker, Gilbert, Grinde, Rehbein, Smith, Spring.  
Total 7

Excused: None.  
Total 0

Absent or not voting: Bohlinger.  
Total 1

**SB 320** concurred in as follows:

Ayes: Anderson, Bachini, Barnett, Benedict, Bergman, Bergsagel, Bird, Boharski, Brandewie, Brown, Clark, Cobb, Daily, Elliott, Ellis, Endy, Fagg, Feland, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kasten, Keller, Knox, Mason, McCarthy, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peterson, Quilici, Rehbein, J. Rice, Rose, Ryan, Sayles, Simon, Simpkins, Smith, Stovall, Tash, Tunby, Vogel, Wagner, Wallin, Winslow, Wiseman, Zook, Mr. Speaker.  
Total 64

Noes: Bardanouve, Barnhart, Bohlinger, Brooke, Cocchiarella, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Ewer, Fisher, Hansen, Harper, Harrington, Kadas, Larson, McCaffree, McCulloch, Peck, Raney, Ream, S. Rice, Russell, Schwinden, Schye, Spring, Squires, Stanford, Strizich, Swanson, Toole, Tuss, Wanzenried, Whalen, Wyatt.  
Total 36

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 321** concurred in as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Bohlinger, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich,

Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 96

Noes: Boharski, Brandewie, Gilbert, McCaffree.  
Total 4

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 330** concurred in as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 95

Noes: Bergsagel, Gilbert.  
Total 2

Excused: None.  
Total 0

Absent or not voting: Ellis, Harrington, Mason.  
Total 3

**SB 340** concurred in as follows:

Ayes: Anderson, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Grady, Grimes, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Knox, Larson, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Pavlovich, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 90

Noes: Bachini, Bergsagel, Gilbert, Grinde, Orr, Peck, Rehbein.  
Total 7

Excused: None.  
Total 0

Absent or not voting: Brandewie, Keller, Mason.  
Total 3

**SB 342** concurred in as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Foster, Galvin, Gervais, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 92

Noes: Benedict, Bergsagel, Clark, Cobb, DeBruycker, Fisher, Gilbert, Peterson.  
Total 8

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 344** concurred in as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 93

Noes: Bergsagel, Gilbert, Herron, Peterson, Rose, Spring.  
Total 6



Excused: None.

Total 0

Absent or not voting: Kasten.

Total 1

**SB 352** concurred in as follows:

Ayes: Anderson, Bachini, Barnett, Barnhart, Benedict, Bergman, Bohlinger, Brandewie, Brooke, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Elliott, Ellis, Endy, Fagg, Fisher, Foster, Galvin, Gervais, Grady, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Mason, McCaffree, McCulloch, Menahan, Mills, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Raney, Ream, Rehbein, S. Rice, Ryan, Sayles, Schye, Simon, Simpkins, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Tunby, Vogel, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Mr. Speaker.

Total 73

Noes: Bardanouve, Bergsagel, Bird, Boharski, Brown, DeBruycker, Driscoll, Ewer, Feland, Gilbert, Grimes, Grinde, Larson, McCarthy, Molnar, Peterson, Quilici, J. Rice, Rose, Russell, Schwinden, Smith, Spring, Toole, Tuss, Wagner, Zook.

Total 27

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 381** concurred in as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 98

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: Gilbert, Mason.  
Total 2

**SB 384** concurred in as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 99

Noes: None.  
Total 0

Excused: None.  
Total 0

Absent or not voting: Toole.  
Total 1

**SB 398** concurred in as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 93

Noes: Bergsagel, Clark, Gilbert, Kasten, Peck, Rehbein, Spring.  
Total 7

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 399** concurred in as follows:

Ayes: Barnett, Barnhart, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Cocchiarella, Daily, Davis, Dolezal, Driscoll, Endy, Ewer, Fagg, Fisher, Foster, Gervais, Grimes, Hansen, Harper, Harrington, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Larson, McCarthy, Menahan, Mills, Molnar, Orr, Pavlovich, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Squires, Stanford, Stovall, Strizich, Swanson, Toole, Tunby, Tuss, Wallin, Wiseman, Mr. Speaker.

Total 63

Noes: Anderson, Bachini, Bardanouve, Benedict, Bergsagel, Clark, Cobb, DeBruycker, Dowell, Elliott, Ellis, Feland, Galvin, Gilbert, Grady, Grinde, H.S. Hanson, M. Hanson, Hayne, Kasten, Mason, McCulloch, L. Nelson, T. Nelson, Peck, Peterson, Rehbein, Spring, Tash, Vogel, Wagner, Wanzenried, Whalen, Winslow, Wyatt, Zook.

Total 36

Excused: None.

Total 0

Absent or not voting: McCaffree.

Total 1

**SJR 20** concurred in as follows:

Ayes: Bachini, Bardanouve, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Endy, Ewer, Foster, Galvin, Gervais, Grady, Grimes, Hansen, H.S. Hanson, Harper, Harrington, Hayne, Herron, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Quilici, Raney, Ream, J. Rice, S. Rice, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Mr. Speaker.

Total 80

Noes: Anderson, Barnett, Bergsagel, Clark, Cobb, Ellis, Fagg, Feland, Fisher, Gilbert, Grinde, Hibbard, Knox, Peterson, Rehbein, Rose, Spring, Wyatt, Zook.

Total 19

Excused: None.

Total 0

Absent or not voting: M. Hanson.

Total 1

**SJR 23** concurred in as follows:

Ayes: Anderson, Bachini, Barnett, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brown, Cobb, Daily, DeBruycker, Elliott, Ellis, Fagg, Fisher, Foster, Galvin, Gervais, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Herron, R. Johnson, Kasten, Keller, Knox, Mason, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Rehbein, J. Rice, Rose, Russell, Ryan, Sayles, Simpkins, Smith, Spring, Stovall, Tash, Toole, Tunby, Vogel, Wagner, Wallin, Whalen, Winslow, Wiseman, Zook, Mr. Speaker.  
Total 62

Noes: Bardanouve, Barnhart, Bergsagel, Brooke, Clark, Cocchiarella, Davis, Dolezal, Dowell, Driscoll, Endy, Ewer, Feland, Gilbert, Hansen, Harper, Harrington, Hibbard, J. Johnson, Kadas, Larson, McCaffree, McCarthy, McCulloch, Menahan, Raney, Ream, S. Rice, Schwinden, Schye, Squires, Stanford, Strizich, Swanson, Tuss, Wanzenried.  
Total 36

Excused: None.  
Total 0

Absent or not voting: Simon, Wyatt.  
Total 2

**SJR 25** concurred in as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCarthy, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peterson, Quilici, Raney, Rehbein, Rose, Russell, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Swanson, Tash, Toole, Tunby, Wallin, Wanzenried, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 86

Noes: Herron, McCaffree, Peck, Ream, J. Rice, S. Rice, Ryan, Strizich, Tuss, Vogel, Wagner, Whalen, Winslow.  
Total 13

Excused: None.  
Total 0

Absent or not voting: McCulloch.  
Total 1

## REPORTS OF STANDING COMMITTEES

BILLS (Hayne, Chairman):  
Correctly printed for second reading: HB 679.

3/30/93



Correctly engrossed for third reading: HB 687, SB 15, SB 39, SB 40, SB 70, SB 81, SB 105, SB 112, SB 118, SB 145, SB 223, SB 231, SB 249, SB 252, SB 313, SB 318, SB 334, SB 395, SB 403, SB 406, SB 417.

HUMAN SERVICES AND AGING (Boharski, Chairman): 3/30/93  
**SB 285**, third reading copy, be amended as follows:

1. Title.

Page 2, line 9.

Following: "ACT;"

Insert: "ALLOWING HEALTH CARE FACILITIES TO ENTER INTO COOPERATIVE AGREEMENTS WITH THE APPROVAL AND SUPERVISION OF THE AUTHORITY;"

2. Page 3, line 24.

Following: "~~effective~~."

Insert: "(1)"

3. Page 4, line 2.

Strike: "(1)"

Insert: "(a)"

4. Page 4, line 9.

Strike: "(2)"

Insert: "(b)"

5. Page 4, line 22.

Strike: "(3)"

Insert: "(c)"

6. Page 5, line 2.

Strike: "(4)"

Insert: "(d)"

7. Page 5, line 14.

Strike: "(5)"

Insert: "(e)"

Following: "30,"

Insert: "31,"

8. Page 6.

Following: line 5

Insert: "(f) [section 44] requires the authority to adopt rules implementing [sections 37 through 44]. The rules adopted by the authority must specify the form and content of applications for certificates of public advantage; details of the reconsideration, revocation, hearing, and appeal processes; and other matters as the authority determines necessary. The rules that are adopted by the authority must also provide the authority with direct supervision and control over the implementation of cooperative agreements between facilities.

(2) In preparing the plan required by [section 5], the authority shall consider the following matters for the following features of the plan:

(a) a unified health care budget. The authority shall consider the development of a state health care budget based upon the budgets submitted by the regional health care planning boards.

(b) caps for provider expenditures. The authority shall consider a process for adopting mandatory limits on provider expenses, including fees and salaries.

(c) global budgeting for all health care spending. The authority shall consider adopting a budgeting process, with public involvement, by which a unified health care budget is determined.

(d) controlled capital expenditures. The authority shall consider adopting a system similar to the certificate of need system by which capital expenditures are controlled.

(e) binding cap on overall expenditures. The authority shall consider adopting mandatory limits on all types of expenditures of health care providers, including capital expenditures, small equipment purchases, personnel costs, and all other types of operating costs.

(f) market control. The authority shall consider the development of a state health care plan based upon the preferences and needs of the health care consumer. Incentives for market control should include mechanisms that encourage health care providers to respond to preferences and needs of health care consumers."

9. Page 7.

Following: line 8

Insert: "(e) facilitate universal access to health sciences information;"

Renumber: subsequent subsections

10. Page 7.

Following: line 12

Insert: "(3) It is further the policy of the state of Montana that regardless of whether or what form of a health care access plan is adopted by the legislature, the health care authority, health care providers, and other persons involved in the delivery of health care services need to increase their emphasis on the education of consumers of health care services. Consumers should be educated concerning the health care system, payment for services, ultimate costs of health care services, and the benefit to consumers generally of providing only services to the consumer that are reasonable and necessary."

11. Page 7, line 14.

Following: "20"

Insert: "and 37 through 44"

12. Page 7.

Following: line 18

Insert: "(3) 'Certificate of public advantage' or 'certificate' means a written certificate issued by the authority as evidence of the authority's

intention that the implementation of a cooperative agreement, when actively supervised by the authority, receive state action immunity from prosecution as a violation of state or federal antitrust laws.

(4) "Cooperative agreement" or "agreement" means a written agreement between two or more health care facilities for the sharing, allocation, or referral of patients; personnel; instructional programs; emergency medical services; support services and facilities; medical, diagnostic, or laboratory facilities or procedures; or other services customarily offered by health care facilities."

Renumber: subsequent subsections

13. Page 7.

Following: line 20

Insert: "(6) "Health care" includes both physical health care and mental health care."

Renumber: subsequent subsections

14. Page 9, lines 8 and 10.

Strike: "majority"

Insert: "speaker"

15. Page 9, lines 15 and 17.

Strike: "majority"

Insert: "president"

16. Page 10.

Following: line 15

Insert: "(8) The attorney general is an ex officio, nonvoting member of the authority only for the purpose of the authority's approval or denial of certificates of public advantage, supervision of cooperative agreements, and revocation of certificates of public advantage pursuant to [sections 37 through 44]."

Renumber: subsequent subsection

17. Page 11, line 22.

Strike: "and perform other acts"

18. Page 12, line 17.

Following: "system."

Insert: "Each statewide plan must include incentives for market control."

19. Page 12, lines 22 and 23

Strike: "no later than 45 days from the first day of the 1995 legislative session"

20. Page 13, lines 2 and 9.

Following: "health"

Insert: "care"

21. Page 14.

Following: line 3

Insert: "(f) consideration of the limitations of public funding;"

Renumber: subsequent subsections

22. Page 14, line 10.

Following: "costs"

Insert: ", provide market control,"

23. Page 14.

Following: line 17

Insert: "(p) incentives for market control;"

Renumber: subsequent subsections

24. Page 14.

Following: line 24

Insert: "(3) Nothing in [sections 7 through 9 and 11] or this section may be interpreted to prevent Montana residents from seeking health care services not provided in either or both statewide plans."

25. Page 15, line 1.

Following: "component"

Insert: ", including annual cost containment targets"

26. Page 15, line 3.

Strike: "a target"

Insert: "targets"

27. Page 15, line 11.

Strike: "target"

Insert: "targets"

28. Page 15, line 16.

Following: "shall"

Insert: ", at a minimum,"

29. Page 15, line 23.

Following: "prognosis"

Insert: "and an individual's choice of services"

30. Page 16, line 6.

Strike: "target"

Insert: "targets"

31. Page 17.

Following: line 18

Insert: "(viii) health sciences library resources and services;"

Renumber: subsequent subsections

32. Page 20, line 22.

Strike: "By January 1, 1994, the"

Insert: "The"

33. Page 22, line 17.

Strike: "shall"

Insert: "may"



Following: "legislation"

Insert: "in addition to [sections 37 through 44]"

34. Page 23, line 6.

Strike: "Hearings"

Insert: "Availability of plans -- hearings"

Following: "plans."

Insert: "(1) The authority shall make copies of the draft statewide plans widely available at public expense to interested persons and groups.

(2)"

35. Page 23.

Following: line 17

Insert: "(3) The authority shall consider oral and written public comments on the statewide plans before recommending them to the legislature."

36. Page 26, line 12.

Following: "process for"

Insert: "hospitals and for"

37. Page 30, line 2.

Strike: "local"

Insert: "public and private"

38. Page 33, line 3.

Following: "."

Insert: "Information in the data base not required by law to be kept confidential must be made available by the authority upon request of any person."

39. Page 36.

Following: line 7

Insert: "(3) 'Assessable carrier' means all individual carriers of disability insurance and all carriers of group disability insurance, the state group benefits plan provided for in Title 2, chapter 18, part 8, the Montana university system health plan, and any self-funded disability insurance plan provided by a political subdivision of the state."

Renumber: subsequent subsections

40. Page 38, line 25.

Following: "certificate"

Insert: "providing for physical and mental health care"

41. Page 42, line 15.

Following: "taxation"

Insert: "or that are members of an association that has been in existence for 1 year prior to [the effective date of sections 22 through 36] and that provides a health benefit plan to employees of its members as a group"

42. Page 44, line 2.

Strike: "may"

Insert: "shall"

43. Page 45, line 13.

Strike: ". In"

Insert: "; in"

44. Page 45, line 21.

Strike: "."

Insert: ";

45. Page 46, lines 12 through 15.

Strike: subsection (e) in its entirety

Re-number: subsequent subsections

46. Page 47, line 6.

Strike: ". In"

Insert: "; in"

47. Page 47, line 14.

Strike: "."

Insert: "; and"

48. Page 48, lines 7 through 9.

Strike: subsection (j) in its entirety

Re-number: subsequent subsection

49. Page 48, line 10.

Strike: "may"

Insert: "shall"

50. Page 59, line 18.

Following: "section]"

Insert: "and on or before March 1 of each year after that date"

Strike: "small employer"

Insert: "assessable"

51. Page 59, line 20.

Strike: "to small employers"

52. Page 61, line 2.

Strike: "reinsuring"

Insert: "assessable"

53. Page 61, lines 2 and 3.

Strike: "and administrative expenses"

54. Page 61, line 3.

Strike: "or estimated to be incurred"

55. Page 61, line 4.

Strike: "and"

Insert: "(e) establish procedures for allocating a portion of premiums collected from reinsuring carriers to fund administrative expenses incurred or to be incurred by the program; and"

Renumber: subsequent subsection

56. Page 61, line 7.

Strike: "must have"

Insert: "has"

57. Page 61, line 12.

Strike: "must have the specific authority to"

Insert: "may"

58. Page 61, line 21.

Strike: "assessments"

Insert: "premiums"

59. Page 62, line 5.

Strike: "rules,"

Following: "conditions"

Strike: ", "

60. Page 62, line 13.

Strike: "and"

Insert: "(h) to the extent permitted by federal law and in accordance with subsection (11)(c), make annual fiscal yearend assessments against assessable carriers and make interim assessments to fund claims incurred by the program; and"

Renumber: subsequent subsection

61. Page 64, line 8.

Strike: "business"

Insert: "health benefit plan"

62. Page 66, lines 15 through 17.

Following: "(b)" on line 15

Strike: the remainder of line 15 through "." on line 17

Insert: "To the extent permitted by federal law, each assessable carrier shall share in any net loss of the program for the year in an amount equal to the ratio of the total premiums earned in the previous calendar year from health benefit plans delivered or issued for delivery by each assessable carrier divided by the total premiums earned in the previous calendar year from health benefit plans delivered or issued for delivery by all assessable carriers in the state.

(c) The board shall make an annual determination in accordance with this section of each assessable carrier's liability for its share of the net loss of the program and, except as otherwise provided by this section, make an annual fiscal yearend assessment against each assessable carrier to the extent of that liability. If approved by the commissioner, the board may also make interim assessments against assessable carriers to fund claims incurred by the program. Any interim assessment must be

March 30, 1993

credited against the amount of any fiscal yearend assessment due or to be due from an assessable carrier. Payment of a fiscal yearend or interim assessment is due within 30 days of receipt by the assessable carrier of written notice of the assessment. An assessable carrier that ceases doing business within the state is liable for assessments until the end of the calendar year in which the assessable carrier ceased doing business. The board may determine not to assess an assessable carrier if the assessable carrier's liability determined in accordance with this section does not exceed \$10."

63. Page 67.

Following: line 11

Insert: "(15) On or before March 1 of each year, the commissioner shall evaluate the operation of the program and report to the governor and the legislature in writing the results of the evaluation. The report must include an estimate of future costs of the program, assessments necessary to pay those costs, the appropriateness of premiums charged by the program, the level of insurance retention under the program, the cost of coverage of small employers, and any recommendations for change to the plan of operation."

64. Page 67.

Strike: lines 15 and 16

Insert: "the following members:

- (a) one health care provider;
- (b) one representative of the health insurance industry;
- (c) one employee of a small employer;
- (d) one member of a labor union; and
- (e) one representative of the general public who may not represent the persons or groups listed in subsections (1)(a) through (1)(d)."

65. Page 67, line 17.

Following: "shall"

Insert: ", after holding a public hearing,"

66. Page 68, line 18.

Strike: "for approval"

67. Page 68, line 19.

Following: "committee."

Insert: "The commissioner shall adopt as a rule pursuant to Title 2, chapter 4, part 3, the health benefit plans required by [section 29(1)] to be offered in this state."

68. Page 69, line 12.

Strike: "practitioner does"

Insert: "practitioners and a law that requires the coverage of a health care service or benefit do"

69. Page 69, line 15.

Following: "through 36]"



Insert: "but do apply to a standard health benefit plan delivered or issued for delivery to small employers in this state pursuant to [sections 22 through 36]"

70. Page 73.

Following: line 8

Insert: "NEW SECTION. Section 37. Finding and purpose. The legislature finds that the goals of controlling health care costs and improving the quality of and access to health care will be significantly enhanced in some cases by cooperative agreements among health care facilities. The purpose of [sections 37 through 44] is to provide the state, through the authority, with direct supervision and control over the implementation of cooperative agreements among health care facilities for which certificates of public advantage are granted. It is the intent of the legislature that supervision and control over the implementation of these agreements substitute state regulation of facilities for competition between facilities and that this regulation have the effect of granting the parties to the agreements state action immunity for actions that might otherwise be considered to be in violation of state or federal, or both, antitrust laws.

NEW SECTION. Section 38. Cooperative agreements allowed. A health care facility may enter into a cooperative agreement with one or more health care facilities.

NEW SECTION. Section 39. Certificate of public advantage -- standards for certification -- time for action by authority. (1) Parties to a cooperative agreement may apply to the authority for a certificate of public advantage. The application for a certificate must include a copy of the proposed or executed agreement, a description of the scope of the cooperation contemplated by the agreement, and the amount, nature, source, and recipient of any consideration passing to any person under the terms of the agreement.

(2) The authority shall hold a public hearing on the application for a certificate before acting upon the application. The authority may not issue a certificate unless the authority finds that the agreement is likely to result in lower health care costs or in greater access to or quality of health care than would occur without the agreement. If the authority denies an application for a certificate for an executed agreement, the agreement is void upon the decision of the authority not to issue the certificate. Parties to a void agreement may not implement or carry out the agreement.

(3) The authority shall deny the application for a certificate or issue a certificate within 90 days of receipt of a completed application.

NEW SECTION. Section 40. Reconsideration by authority. (1) If the authority denies an application and refuses to issue a certificate, a party to the agreement may request that the authority reconsider its decision. The authority shall reconsider its decision if the party applying for reconsideration submits the request to the

authority in writing within 30 calendar days of the authority's decision to deny the initial application.

(2) The authority shall hold a public hearing on the application for reconsideration. The hearing must be held within 30 days of receipt of the request for reconsideration unless the party applying for reconsideration agrees to a hearing at a later time. The hearing must be held pursuant to 2-4-604.

(3) The authority shall make a decision to deny the application or to issue the certificate within 30 days of the conclusion of the hearing required by subsection (2). The decision of the authority must be part of written findings of fact and conclusions of law supporting the decision. The findings, conclusions, and decision must be served upon the applicant for reconsideration.

NEW SECTION. Section 41. Revocation of certificate by authority. (1) The authority shall revoke a certificate previously granted by it if the authority determines that the cooperative agreement is not resulting in lower health care costs or greater access to or quality of health care than would occur in absence of the agreement.

(2) A certificate may not be revoked by the authority without giving notice and an opportunity for a hearing before the authority as follows:

(a) Written notice of the proposed revocation must be given to the parties to the agreement for which the certificate was issued at least 120 days before the effective date of the proposed revocation.

(b) A hearing must be provided prior to revocation if a party to the agreement submits a written request for a hearing to the authority within 30 calendar days after notice is mailed to the party under subsection (2)(a).

(c) Within 30 calendar days of receipt of the request for a hearing, the authority shall hold a public hearing to determine whether or not to revoke the certificate. The hearing must be held in accordance with 2-4-604.

(3) The authority shall make its final decision and serve the parties with written findings of fact and conclusions of law in support of its decision within 30 days after the conclusion of the hearing or, if no hearing is requested, within 30 days of the date of expiration of the time to request a hearing.

(4) If a certificate of public advantage is revoked by the authority, the agreement for which the certificate was issued is terminated.

NEW SECTION. Section 42. Appeal. A party to a cooperative agreement may appeal, in the manner provided in Title 2, chapter 4, part 7, a final decision by the authority to deny an application for a certificate or a decision by the authority to revoke a certificate. A revocation of a certificate pursuant to [section 41] does not become final until the time for appeal has expired. If a decision to revoke a certificate is appealed, the decision is stayed pending resolution of the appeal by the courts.

NEW SECTION. Section 43. Record of agreements to be kept. The authority shall keep a copy of cooperative agreements for which a certificate is in effect pursuant to [sections 37 through 44]. A party to a cooperative agreement who terminates the agreement shall notify the authority in writing of the termination within 30 days after the termination.

NEW SECTION. Section 44. Rulemaking. The authority shall adopt rules to implement [sections 37 through 43]. The rules shall include rules:

(1) specifying the form and content of applications for a certificate;

(2) specifying necessary details for reconsideration of denial of certificates, revocations of certificates, hearings required or authorized by [sections 37 through 43], and appeals; and

(3) to effect the active supervision by the authority of agreements between health care facilities. These rules may include reporting requirements for parties to an agreement for which a certificate is in effect."

Renumber: subsequent sections

71. Page 73, lines 10 and 12.

Following: "20"

Insert: "and 37 through 44"

72. Page 73.

Following: line 15

Insert: "NEW SECTION. Section 46. Severability. If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications."

Renumber: subsequent section

73. Page 73, line 17.

Strike: ", 37,"

Insert: "and 44 through 46"

74. Page 73, line 20.

Following: "through"

Insert: "28, 35, and"

75. Page 73.

Following: line 21

Insert: "(4) [Sections 30 through 34] are effective July 1, 1993."

And, as amended, be concurred in. Report adopted.

JUDICIARY (Fagg, Chairman):

3/30/93

**SB 119**, third reading copy, be amended as follows:

1. Page 40, line 10.

Following: line 9

Insert: "(5) (a) if there is no surviving descendant, grandparent, or descendant of a grandparent, to the person of the closest degree of kinship with the decedent. Except as provided in subsection (5)(b), if more than one person is of that closest degree, those persons share equally.

(b) If more than one person is of the closest degree as provided in subsection (5)(a) but they claim through different ancestors, those who claim through the nearer ancestor shall receive to the exclusion of those claiming through a more remote ancestor."

2. Page 41, lines 12 through 16.

Following: " " on line 12

Strike: remainder of line 12 through " " on line 16

Insert: "The share of each deceased descendant in the same generation as the surviving descendant is divided in the same manner, with the subdivision repeating at each succeeding generation until the property is fully allocated among surviving descendants."

3. Page 42, lines 6 through 10.

Following: " " on line 6

Strike: remainder of line 6 through " " on line 10

Insert: "The share of each deceased descendant in the same generation as the surviving descendant is divided in the same manner, with the subdivision repeating at each succeeding generation until the property is fully allocated among surviving descendants."

4. Page 121, line 11.

Strike: "an applicable statute or"

5. Page 121, lines 12 and 13.

Following: "distributed" on line 12

Strike: remainder of line 12 through "or" on line 13

6. Page 122, line 1.

Following: "If"

Insert: "an applicable statute or"

7. Page 122, line 2.

Following: "distributed"

Insert: ""by representation" or"

And, as amended, be concurred in. Report adopted.

## MOTIONS

Representative Grinde moved the House recess until 1:15 p.m. Motion carried.

House recessed at 12:03 p.m.

House reconvened at 1:15 p.m. Mr. Speaker in the Chair.



Representative Russell excused at this time.

Representative Barnhart moved she be allowed to change her vote on SB 37, third reading, from no to aye. Motion carried.

Representative Driscoll moved SB 329 be taken from engrossing and rereferred to second reading. Motion carried.

Representative Knox moved SB 396 be taken from the Committee on Natural Resources and rereferred to the Committee on Taxation. Motion carried.

Representative Simon moved the rules be suspended to permit the late drafting and introduction of a resolution. Motion carried.

Representative Swanson moved SB 338 be taken from the table in the Committee on Natural Resources, printed, and placed on second reading this legislative day. Motion failed. (45-53)

### **SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)**

Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Orr in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**SB 339** - Representative Harper moved SB 339 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnhart, Benedict, Bird, Bohlinger, Brooke, Brown, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Endy, Ewer, Foster, Galvin, Gervais, Grimes, Hansen, Harper, Harrington, Hibbard, J. Johnson, Kadas, Larson, McCaffree, McCarthy, McCulloch, Menahan, Molnar, L. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, S. Rice, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Smith, Squires, Stanford, Stovall, Strizich, Swanson, Toole, Tunby, Tuss, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 65

Noes: Barnett, Bergman, Bergsagel, Boharski, Brandewie, Clark, DeBruycker, Ellis, Fagg, Feland, Fisher, Gilbert, Grady, Grinde, H.S. Hanson, M. Hanson, Hayne, Herron, R. Johnson, Kasten, Keller, Knox, Mason, Mills, T. Nelson, Rehbein, J. Rice, Rose, Simpkins, Spring, Tash, Vogel, Wagner, Wallin.  
Total 34

Voted Absentee: Russell, Aye.

Excused: None.  
Total 0

Absent or not voting: Cobb.

Total 1

**SB 416** - Representative Whalen moved SB 416 be concurred in. Motion failed as follows:

Ayes: Bachini, Bardanouve, Barnhart, Brooke, Brown, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Endy, Fagg, Fisher, Galvin, Gervais, Grimes, Hansen, Harper, Harrington, Hibbard, J. Johnson, R. Johnson, Kadas, Larson, McCaffree, McCarthy, McCulloch, Menahan, Pavlovich, Peck, Quilici, Raney, Ream, S. Rice, Ryan, Squires, Stanford, Strizich, Swanson, Toole, Tunby, Tuss, Wallin, Wanzenried, Whalen, Wyatt, Mr. Speaker.

Total 48

Noes: Anderson, Barnett, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Clark, DeBruycker, Elliott, Ellis, Feland, Foster, Gilbert, Grady, Grinde, H.S. Hanson, M. Hanson, Hayne, Herron, Kasten, Keller, Knox, Mason, Mills, Molnar, L. Nelson, T. Nelson, Orr, Peterson, Rehbein, J. Rice, Rose, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Stovall, Tash, Vogel, Wagner, Winslow, Wiseman, Zook.

Total 49

Excused: Russell.

Total 1

Absent or not voting: Cobb, Ewer.

Total 2

Representative Bird excused at this time.

**SB 32** - Representative H. S. Hanson moved SB 32 be concurred in.

Representative Kadas made a substitute motion SB 32, third reading copy, be amended (amendment #1). Amendment #1 failed as follows: (40-59)

Representative H. S. Hanson moved SB 32 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Barnett, Benedict, Bergman, Boharski, Bohlinger, Brandewie, Clark, Cobb, Cocchiarella, Dowell, Driscoll, Elliott, Ellis, Ewer, Fagg, Fisher, Foster, Gilbert, Grimes, Grinde, Hansen, H.S. Hanson, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kasten, Keller, Knox, Larson, Mason, Mills, Molnar, L. Nelson, T. Nelson, Orr, Peck, Peterson, Quilici, Rehbein, J. Rice, S. Rice, Rose, Sayles, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Tash, Tunby, Vogel, Wagner, Wallin, Winslow, Wiseman, Zook, Mr. Speaker.

Total 65

Noes: Bardanouve, Barnhart, Bergsagel, Bird, Brooke, Brown, Daily, Davis, DeBruycker, Dolezal, Endy, Feland, Galvin, Gervais, Grady, M. Hanson, Harper, McCaffree, McCarthy, McCulloch, Menahan, Pavlovich, Raney,

Ream, Ryan, Schwinden, Strizich, Swanson, Toole, Tuss, Wanzenried, Whalen, Wyatt.

Total 33

Voted Absentee: Bird, No.

Excused: Russell.

Total 1

Absent or not voting: Kadas.

Total 1

**SB 278** - Representative Harrington moved SB 278 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Grady, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 92

Noes: Bergsagel, Bird, Gilbert.

Total 3

Voted Absentee: Bird, No.

Excused: Russell.

Total 1

Absent or not voting: Grimes, Grinde, Hayne, Molnar.

Total 4

**SB 348** - Representative Peck moved SB 348 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Clark, Cobb, Cocchiarella, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCulloch, Mills, Molnar, L. Nelson, T. Nelson, Orr, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole,

Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Winslow, Wiseman,  
Wyatt, Zook, Mr. Speaker.  
Total 93

Noes: Brown, Daily, McCarthy, Menahan, Pavlovich, Whalen.  
Total 6

Voted Absentee: Bird, Aye.

Excused: Russell.  
Total 1

Absent or not voting: None.  
Total 0

**SB 98** - Representative Bachini moved SB 98, third reading copy, be amended as follows (amendment #1):

That such amendments to the Agriculture, Livestock, and Irrigation Committee amendments dated March 17, 1993 read as follows:

1. Strike: items 2 through 13 from the Agriculture, Livestock, and Irrigation Committee amendments (dated March 17, 1993) in their entirety.  
[leave effective date]

And amend Senate Bill 98 (third reading copy -- blue) further as follows:

2. Page 2, line 19.  
Strike: "varietal identification,"  
Following: "guaranty"  
Strike: " \_"

3. Page 8, line 4.  
Strike: "and"

4. Page 8, line 6.  
Following: " ~~;~~ and"  
Insert: "a Montana-certified seed grower when selling certified seed from his own production; and"

5. Page 8, line 7.  
Following: "(e)" on line 7  
Insert: "(c)"  
Following: "seed"  
Insert: "seed"

6. Page 8, line 17.  
Strike: "\$200"  
Insert: "\$150"

Amendment #1 passed as follows:



Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 94

Noes: DeBruycker, Gilbert.

Total 2

Voted Absentee: Bird, Aye.

Excused: Russell.

Total 1

Absent or not voting: Mills, Molnar, Strizich.

Total 3

Representative Barnett moved SB 98, as amended, be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Fagg, Fisher, Foster, Galvin, Gervais, Grady, Grimes, Grinde, Hansen, H.S. Hanson, Harper, Harrington, Hayne, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Mason, McCaffree, McCarthy, McCulloch, Menahan, T. Nelson, Orr, Pavlovich, Peck, Quilici, Ream, J. Rice, S. Rice, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Spring, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 79

Noes: Boharski, DeBruycker, Feland, Gilbert, M. Hanson, Herron, Kasten, Larson, L. Nelson, Peterson, Raney, Rehbein, Rose, Smith, Vogel, Wagner.

Total 16

Voted Absentee: Bird, Aye.

Excused: Russell.

Total 1

Absent or not voting: Ewer, Mills, Molnar, Squires.

Total 4

**SB 310** - Representative Anderson moved SB 310, third reading copy, be amended as follows (amendment #1):

That such amendments to Senate Bill 310 (Agriculture, Livestock, and Irrigation dated March 27, 1993) read as follows:

1. Amendment No.13

In Insert, line 3, following: "claim"

Insert: "did not exist on July 1, 1973, or that the right represented by the late claim should be subordinated to another right under subsection 3(f) or that the right represented in the late claim"

Amendment #1 passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kasten, Keller, Knox, Larson, Mason, McCarthy, McCulloch, Menahan, Mills, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Ream, Rehbein, J. Rice, Rose, Simon, Simpkins, Smith, Spring, Stanford, Stovall, Strizich, Swanson, Tash, Tunby, Tuss, Vogel, Wagner, Wallin, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 77

Noes: DeBruycker, Driscoll, Feland, Hansen, Harper, Harrington, Kadas, McCaffree, L. Nelson, S. Rice, Ryan, Sayles, Schwinden, Schye, Squires, Toole, Wanzenried, Whalen.  
Total 18

Voted Absentee: Bird, Aye.

Excused: Russell.  
Total 1

Absent or not voting: Gervais, Gilbert, Molnar, Raney.  
Total 4

Representative Russell present at this time.

Representative Anderson moved SB 310, as amended, be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Benedict, Bergman, Bird, Boharski, Bohlinger, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Elliott, Endy, Fisher, Foster, Galvin, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Rehbein, J. Rice, S. Rice, Ryan, Simpkins, Spring, Squires, Stanford, Stovall, Swanson, Tash, Toole, Tunby, Vogel, Wagner, Wallin, Winslow, Wiseman, Zook, Mr. Speaker.

Total 71

Noes: Barnhart, Bergsagel, Brandewie, DeBruycker, Dowell, Driscoll, Ellis, Ewer, Fagg, Feland, Gervais, Grady, Harper, Kadas, McCulloch, Ream, Rose, Russell, Sayles, Schwinden, Schye, Simon, Smith, Strizich, Tuss, Wanzenried, Whalen, Wyatt.

Total 28

Voted Absentee: Bird, Aye.

Excused: None.

Total 0

Absent or not voting: Gilbert.

Total 1

Representative Bird present at this time.

**SB 316** - Representative Harper moved SB 316, third reading copy, be amended as follows (amendment #1):

That such amendments to Senate Bill 316 (Local Government committee amendments dated March 26, 1993) read as follows:

1. Strike: committee amendments dated March 26, 1993 in their entirety.

Amendment #1 passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Boharski, Bohlinger, Brandewie, Brooke, Brown, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Swanson, Tash, Toole, Tunby, Tuss, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 88

Noes: Bird, Clark, Peterson, Rehbein, Vogel, Wagner.

Total 6

Excused: None.

Total 0

Absent or not voting: Cobb, Ellis, Gilbert, Grady, Hibbard, Strizich.

Total 6

Representative Harper moved SB 316, third reading copy, be further amended as follows (amendment #2):

1. Page 4, line 6.

Following: "The"

Insert: "applicant shall repay the"

Strike: "must be"

2. Page 4, line 7.

Strike: "reimbursed when"

Insert: "whether or not the applicant succeeds in obtaining financing for the full project. Repayment may be postponed until the"

Amendment #2 passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 96

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: Gilbert, Grady, Peterson, Strizich.

Total 4

Representative Harper moved SB 316, as amended, be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Barnett, Barnhart, Bohlinger, Brandewie, Brooke, Brown, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Herron, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, Orr, Pavlovich, Peck, Quilici, Raney, Ream, S. Rice, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Smith, Squires, Stanford, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wanzenried, Whalen, Winslow, Wyatt, Mr. Speaker.  
Total 74

Noes: Bardanouve, Benedict, Bergsagel, Bird, Boharski, Clark, DeBruycker, Gilbert, Hayne, T. Nelson, Peterson, Rehbein, J. Rice, Rose, Simpkins, Spring, Wagner, Wallin, Wiseman, Zook.  
Total 20



Excused: None.

Total 0

Absent or not voting: Bergman, Cobb, Ellis, Hibbard, Stovall, Strizich.

Total 6

**SB 329** - Representative Driscoll moved SB 329, third reading copy, be amended as follows (amendment #1):

1. Strip the House Labor Committee amendments dated March 12, 1993, in their entirety
2. Strike House Labor Committee amendments dated March 22, 1993, in their entirety
3. Strip the Committee of the Whole amendments dated March 29, 1993, in their entirety
4. Page 8, line 3.  
Following: "pay"  
Insert: "
  - (a) the travel allowance that is in effect and applicable to the district in which the work is being performed; and
  - (b)"
5. Page 8, line 5.  
Strike: "travel"
6. Page 8, line 6.  
Strike: "1"  
Following: "provisions"  
Insert: "that:
  - (i) meets the requirements of the Employee Retirement Income Security Act of 1974"
7. Page 8, line 7.  
Strike: ", that are"  
Insert: "; and
  - (ii) is"
8. Page 10, lines 10 through 14.  
Following: "performed" on line 10  
Strike: remainder of line 10 through "performed" on line 14

Amendment #1 passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cocchiarella, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T.

Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wyatt, Zook, Mr. Speaker.

Total 92

Noes: Benedict, Feland, Raney, Wiseman.

Total 4

Excused: None.

Total 0

Absent or not voting: Cobb, Daily, Hibbard, McCaffree.

Total 4

Representative R. Johnson moved SB 329, as amended, be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Bergman, Bird, Boharski, Bohlinger, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Quilici, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 91

Noes: Benedict, Bergsagel, Brandewie, DeBruycker, Herron, Peterson, Raney, Rehbein.

Total 8

Excused: None.

Total 0

Absent or not voting: Cobb.

Total 1

Representative Grinde moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman Orr moved the adoption of the committee report. Report adopted. (75-17)

## REPORTS OF STANDING COMMITTEES

APPROPRIATIONS (Zook, Chairman):

3/30/93

**SB 71**, third reading copy, be amended as follows:

1. Page 3, line 21.

Following: "department."

Strike: "One-half"

Insert: "The office of budget and program planning shall increase the department's appropriation in the second year of the biennium by an amount equal to one-half"

2. Page 3, lines 22 and 23.

Following: "position" on line 22

Strike: "that is not critical to the delivery of direct services"

Insert: ". The office of budget and program planning shall reduce the department's appropriation for the first year by a like amount. The increased appropriation in the second year of the biennium"

3. Page 4, line 3.

Following: "department"

Insert: "in either year of the 2 years of the biennium"

And, as amended, be concurred in. Report adopted.

**SB 77**, third reading copy, be amended as follows:

1. Title, line 7.

Following: "BUDGET;"

Insert: "PROVIDING AN APPROPRIATION;"

2. Page 1, line 25.

Strike: "two"

Insert: "four"

3. Page 2, line 1.

Strike: "two"

Insert: "four"

4. Page 2, line 3.

Following: "basis"

Strike: ";

Insert: ". One of the legislative members shall serve as presiding officer upon election by a vote of committee members."

5. Page 2, line 4.

Following: "regents"

Insert: "and one student from the university system,"

6. Page 2, line 5.

Following: "regents;"

Insert: "and"

7. Page 2, line 6.

Strike: subsection (c) in its entirety

Renumber: subsequent subsection

8. Page 2, line 18.

Following: "regents"

Insert: "and the student"

9. Page 2, lines 22 and 23.

Strike: subsection (3) in its entirety

Renumber: subsequent subsection

10. Page 3, line 13.

Following: "its"

Insert: "legislative"

11. Page 5, following line 15.

Insert: "NEW SECTION. Section 9. Appropriation. There is appropriated from the general fund to the office of the legislative fiscal analyst \$15,000 in the 1995 biennium for use by the joint committee on postsecondary education policy and budget."

Renumber: subsequent sections

And, as amended, be concurred in. Report adopted.

**SB 94**, third reading copy, be amended as follows:

1. Title, lines 5 through 7.

Strike: "RESTORING THE AUTHORITY OF NONASSUMED COUNTIES TO DETERMINE ELIGIBILITY AND SERVICES FOR COUNTY MEDICAL ASSISTANCE;"

2. Title, line 9.

Strike: " 53-3-307 "

3. Page 1, lines 13 through 23.

Strike: Section 1 in its entirety

Renumber: subsequent sections

4. Page 5, line 18 through page 6, line 1.

Strike: section 3 in its entirety

Renumber: subsequent sections

5. Page 8, lines 7 through 10.

Strike: Section 5 in its entirety

Insert: "NEW SECTION. Section 3. Coordination instruction. If House Bill No. 427 is passed and approved, then [this act] is void."

Renumber: subsequent section

And, as amended, be concurred in. Report adopted.

**SB 292**, third reading copy, be amended as follows:

1. Title, line 6.

Following: "ACT"

Strike: "INCLUDING"

Insert: "CLARIFYING THE APPROPRIATION OF"

2. Title, line 7.

Following: "COSTS"

Strike: "IN THE STATUTORY APPROPRIATION"



3. Page 2, line 20.

Following: "The"

Strike: "revenue is"

Insert: "grants are"

4. Page 2, line 21.

Following: "control."

Insert: "The costs of administering the grant program must be paid pursuant to a legislative appropriation."

And, as amended, be concurred in. Report adopted.

**HB 689**, introduced bill, be amended as follows:

1. Title, line 11.

Strike: "DANGEROUS DRUG TAX"

Insert: "PUBLIC CAMPAIGN FUND"

2. Title, line 12.

Strike: "13-37-304,"

3. Title, lines 14 and 15.

Strike: lines 14 and 15 in their entirety

Insert: "13-37-301, 13-37-302, 13-37-303, 13-37-304, 13-37-305, 13-37-306, 13-37-307, AND 13-37-308,"

4. Page 2, line 19 through page 3, line 21.

Strike: section 3 in its entirety

Renumber: subsequent sections

5. Page 8, line 15.

Strike: "13-37-304;"

6. Page 8, line 16.

Following: "~~15-25-123~~;"

Insert: "15-25-123;"

7. Page 9, lines 20 through 22.

Following: "Sections" on line 20

Strike: remainder of line 20 through "15-25-123," on line 22

Insert: "13-37-301, 13-37-302, 13-37-303, 13-37-304, 13-37-305, 13-37-306, 13-37-307, and 13-37-308,"

8. Page 10, line 7.

Strike: "7"

Insert: "6"

And, as amended, do pass. Report adopted.

**HB 690**, introduced bill, be amended as follows:

1. Title, line 8.

Strike: "AUTHORIZING"

Insert: "REQUIRING"

2. Page 1, line 25.

Following: "school"

Strike: "shall"

Insert: "upon request may"

3. Page 2, line 4.

Following: "The school"

Strike: "may"

Insert: "shall"

4. Page 2, line 6.

Following: "assistance."

Insert: "The fee must be in an amount sufficient to cover the cost of services provided."

And, as amended, do pass. Report adopted.

**HB 691**, introduced bill, be amended as follows:

1. Page 1, line 15.

Following: "fee"

Strike: "equaling"

Insert: "that is at least equal to"

And, as amended, do pass. Report adopted.

**HJR 25**, introduced bill, do pass. Report adopted.

BUSINESS AND ECONOMIC DEVELOPMENT (Benedict, Chairman):

3/30/93

**HJR 26**, introduced bill, do pass. Report adopted.

### MOTIONS

Representative Grinde moved the rules be suspended to permit placement and consideration of SB 285 and SB 119 on second reading and third reading on the seventy-second legislative day. Motion carried.

### ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Representative Grinde moved the House adjourn until 11:00 a.m., Wednesday, March 31, 1993. Motion carried.

House adjourned at 6:05 p.m.

John Mercer, Speaker

Marilyn Miller, Chief Clerk



## SEVENTY-SECOND LEGISLATIVE DAY

Helena, Montana  
March 31, 1993

House Chambers  
State Capitol

House convened at 11:00 a.m. Mr. Speaker in the Chair. Invocation by Representative Galvin. Pledge of Allegiance to the Flag.

Roll call. All members present except Whalen, excused. Quorum present.

Mr. Speaker: We, your committee on Legislative Administration/Bills and Journal, having examined the daily journals for the sixty-seventh, sixty-eighth, and sixty-ninth legislative days, find the same to be correct.

Harriet Hayne, Chairman

### REPORTS OF STANDING COMMITTEES

BILLS (Hayne, Chairman): 3/31/93

Correctly printed for second reading: HB 689, HB 690, HB 691, HJR 25, HJR 26.

Correctly engrossed for third reading: HB 666, HB 679, SB 23, SB 31, SB 32, SB 72, SB 73, SB 78, SB 153, SB 189, SB 206, SB 215, SB 217, SB 248, SB 260, SB 278, SB 280, SB 288, SB 294, SB 310, SB 311, SB 314, SB 316, SB 323, SB 329, SB 332, SB 339, SB 348, SB 364, SB 370, SB 392, SB 408, SB 412, SB 425, SJR 15.

Examined by the sponsor and found to be correct:

HB 19 - R. Johnson  
HB 21 - Menahan  
HB 64 - Grady  
HB 102 - Schye  
HB 107 - Cobb  
HB 118 - Cocchiarella  
HB 148 - Ellis  
HB 158 - Kadas  
HB 237 - Grady  
HB 338 - Ream  
HB 342 - Strizich  
HB 344 - Brown  
HB 408 - Fagg  
HB 428 - Harper  
HB 441 - Rehbein  
HB 488 - Brandewie  
HB 489 - R. Johnson  
HB 491 - Simon  
HB 506 - Tash  
HB 543 - Ewer  
HB 594 - Larson  
HB 596 - Wiseman  
HB 633 - Russell  
HB 646 - Peterson  
HB 658 - Schwinden  
HJR 4 - Barnhart  
HJR 22 - Brown



**MESSAGES FROM THE SENATE**

House bill concurred in and returned to the House: 3/30/93

**HB 408**, introduced by Fagg

Senate bills passed and transmitted to the House for concurrence: 3/30/93

**SB 257**, introduced by Harp

**SB 354**, introduced by Christiaens

**SB 359**, introduced by Nathe

**SB 378**, introduced by Grosfield

**SB 389**, introduced by Towe

**SB 401**, introduced by McClernan

**SB 424**, introduced by Blaylock

**SB 426**, introduced by Kennedy

**SB 430**, introduced by Christiaens

**SB 435**, introduced by Grosfield

**SB 436**, introduced by Jacobson

**MESSAGES FROM THE GOVERNOR**

The Honorable John Mercer March 29, 1993  
Speaker of the House  
State Capitol  
Helena, Montana 59620

Dear Representative Mercer:

Please be informed that I have signed House Bills 230, 247, 256, 269, 290, 292, 293, 295, 298, 304, 306, 363, 371, 381, 414, 432, 499, 538, 573, and 595 on March 29, 1993.

Sincerely,

MARC RACICOT  
Governor

The Honorable John Mercer March 30, 1993  
Speaker of the House  
State Capitol  
Helena, Montana 59620

Dear Representative Mercer:

Please be informed that I have signed House Bills 171, 244, 250, 279, 300, 309, 490, and 621 on March 30, 1993.

Sincerely,

MARC RACICOT  
Governor

**FIRST READING AND COMMITMENT  
OF BILLS AND RESOLUTIONS**

The following House bills were introduced, read first time, and referred to committee:

**HJR 27**, introduced by McCarthy, Guilici, Pavlovich, Harrington, Daily, Menahan, Endy, D. Brown, Galvin, Smith, Hayne, J. Johnson, Vaughn, Beck, Lynch, Jacobson, referred to Committee on Appropriations

**HJR 28**, introduced by Simon, Ream, Halligan, Strizich, Harper, Fisher, Van Valkenburg, Harp, Doherty, Grinde, J. Rice, Brooke, Galvin, Larson, Schye, Mercer, Wyatt, Squires, Kadas, Peck, Bachini, Daily, Pavlovich, Tuss, Harrington, Barnhart, Cocchiarella, McCaffree, Driscoll, Hansen, Gervais, Stanford, Dowell, Raney, Ewer, Guilici, McCarthy, Endy, Dolezal, Ryan, S. Rice, Wiseman, D. Brown, Swanson, J. Johnson, Winslow, L. Nelson, Herron, Elliott, McCulloch, Wanzenried, Schwinden, Wallin, Bergman, Hayne, Peterson, Fagg, Sayles, Keller, Ellis, Kasten, Bardanouve, Clark, Feland, Hibbard, Rehbein, Gilbert, Bohlinger, Knox, DeBruycker, Tash, Brandewie, Zook, Stovall, T. Nelson, Tunby, Vogel, referred to Committee on Judiciary

The following Senate bills were introduced, read first time, and referred to committee:

**SB 257**, introduced by Harp, Weeding, referred to Committee on Taxation

**SB 354**, introduced by Christiaens, Rea, Koehnke, Harding, Bruski-Maus, Hager, Mesaros, Toews, Wilson, Brandewie, Lynch, Simon, Pavlovich, Schye, Whalen, Bachini (by request of the State Auditor), referred to Committee on Business and Economic Development

**SB 359**, introduced by Nathe, L. Nelson, Halligan, referred to Committee on Taxation

**SB 378**, introduced by Grosfield, Bardanouve, Bergsagel, Keating, Driscoll, Peck, Wanzenried, Gage, Nathe, Jacobson, Cobb, Fritz, Stang, Toews, Aklestad, Swift, Toole, Zook, Crippen, referred to Committee on Appropriations

**SB 389**, introduced by Towe, referred to Committee on Natural Resources

**SB 401**, introduced by McClernan, Driscoll, Waterman, Gervais, Weeding, D. Brown, Endy, Rye, Halligan, referred to Committee on Natural Resources

**SB 424**, introduced by Blaylock (by request of the Senate Education and Cultural Resources Committee), referred to Committee on Taxation

**SB 426**, introduced by Kennedy (by request of the Senate Local Government Committee), referred to Committee on Taxation

**SB 430**, introduced by Christiaens, Waterman, Wilson, Koehnke, Cocchiarella, Tuss, T. Nelson, Harding (by request of the State Auditor), referred to Committee on Business and Economic Development

**SB 435**, introduced by Grosfield, Ellis, Swanson, Doherty, Aklestad, referred to Committee on Taxation

**SB 436**, introduced by Jacobson, Van Valkenburg, Jergeson, referred to Committee on Taxation

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**SB 15** concurred in as follows:

Ayes: Bachini, Bardanouve, Barnhart, Bird, Bohlinger, Brandewie, Brooke, Brown, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Endy, Ewer, Fagg, Galvin, Gervais, Grady, Grinde, Hansen, Harper, Harrington, Hibbard, J. Johnson, Kadas, Larson, McCaffree, McCarthy, McCulloch, Molnar, T. Nelson, Pavlovich, Peck, Quilici, Raney, Ream, J. Rice, S. Rice, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tuss, Wiseman, Wyatt, Mr. Speaker.  
Total 59

Noes: Anderson, Barnett, Benedict, Bergman, Bergsagel, Boharski, Clark, Cobb, DeBruycker, Ellis, Feland, Fisher, Foster, Gilbert, Grimes, H.S. Hanson, M. Hanson, Hayne, Herron, R. Johnson, Kasten, Keller, Knox, Mason, Mills, L. Nelson, Orr, Peterson, Rehbein, Rose, Smith, Spring, Tunby, Vogel, Wagner, Wallin, Wanzenried, Winslow, Zook.  
Total 39

Excused: Whalen.  
Total 1

Absent or not voting: Menahan.  
Total 1

**SB 39** concurred in as follows:

Ayes: Anderson, Bardanouve, Barnett, Benedict, Bergman, Bergsagel, Boharski, Bohlinger, Brandewie, Clark, Cobb, DeBruycker, Elliott, Ellis, Ewer, Fagg, Feland, Fisher, Foster, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Mason, Mills, Molnar, L. Nelson, T. Nelson, Orr, Peck, Peterson, Rehbein, J. Rice, Rose, Sayles, Schwinden, Simon, Simpkins, Spring, Stovall, Tash, Toole, Tunby, Vogel, Wagner, Wallin, Winslow, Wiseman, Zook, Mr. Speaker.  
Total 63

Noes: Bachini, Barnhart, Bird, Brooke, Brown, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Endy, Galvin, Gervais, Harrington, Larson, McCaffree, McCarthy, McCulloch, Menahan, Pavlovich, Quilici, Raney, Ream, S. Rice, Russell, Ryan, Schye, Smith, Squires, Stanford, Strizich, Swanson, Tuss, Wanzenried, Wyatt.  
Total 36

Excused: Whalen.  
Total 1

Absent or not voting: None.

Total 0

**SB 40** concurred in as follows:

Ayes: Anderson, Bardanouve, Barnett, Benedict, Bergman, Bergsagel, Boharski, Bohlinger, Brandewie, Cobb, DeBruycker, Elliott, Ellis, Fagg, Feland, Fisher, Foster, Gilbert, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Knox, Mason, Mills, Molnar, L. Nelson, T. Nelson, Orr, Peck, Peterson, Rehbein, J. Rice, Rose, Sayles, Schwinden, Simon, Simpkins, Spring, Stovall, Tash, Tunby, Vogel, Wagner, Wallin, Winslow, Wiseman, Zook, Mr. Speaker.

Total 58

Noes: Bachini, Barnhart, Bird, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Endy, Ewer, Galvin, Gervais, Harrington, Larson, McCaffree, McCarthy, McCulloch, Menahan, Pavlovich, Quilici, Raney, Ream, S. Rice, Russell, Ryan, Schye, Smith, Squires, Stanford, Strizich, Swanson, Toole, Tuss, Wanzenried, Wyatt.

Total 39

Excused: Whalen.

Total 1

Absent or not voting: Grady, Keller.

Total 2

**SB 70** concurred in as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 94

Noes: Bergsagel, McCaffree, Peterson, Ryan, Squires.

Total 5

Excused: Whalen.

Total 1

Absent or not voting: None.

Total 0

**SB 81** concurred in as follows:



Ayes: Bachini, Bardanouve, Barnhart, Benedict, Bergman, Bird, Bohlinger, Brandewie, Brooke, Clark, Cocchiarella, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Ellis, Endy, Ewer, Fagg, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Hansen, H.S. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, L. Nelson, T. Nelson, Pavlovich, Quilici, Raney, Ream, J. Rice, S. Rice, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Spring, Squires, Stanford, Swanson, Tash, Toole, Tuss, Vogel, Wallin, Wanzenried, Winslow, Wiseman, Wyatt, Mr. Speaker.

Total 74

Noes: Barnett, Bergsagel, Boharski, Brown, Cobb, Daily, Elliott, Feland, Fisher, Grinde, M. Hanson, Knox, Molnar, Orr, Peck, Peterson, Rehbein, Rose, Smith, Stovall, Strizich, Tunby, Wagner, Zook.

Total 24

Excused: Whalen.

Total 1

Absent or not voting: Anderson.

Total 1

**SB 105** concurred in as follows:

Ayes: Anderson, Bachini, Barnett, Barnhart, Benedict, Bergman, Bird, Bohlinger, Brown, Clark, Cobb, Daily, DeBruycker, Dolezal, Driscoll, Elliott, Ellis, Endy, Fagg, Feland, Fisher, Foster, Gervais, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Hayne, Hibbard, J. Johnson, R. Johnson, Kasten, Keller, Knox, Mason, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Quilici, Raney, Rehbein, J. Rice, S. Rice, Rose, Ryan, Simon, Simpkins, Smith, Spring, Stovall, Strizich, Swanson, Tash, Tunby, Tuss, Vogel, Whalen, Winslow, Wiseman, Zook.

Total 66

Noes: Bardanouve, Bergsagel, Boharski, Brandewie, Cocchiarella, Davis, Dowell, Ewer, Galvin, Gilbert, Harper, Harrington, Herron, Kadas, Larson, McCaffree, McCarthy, McCulloch, Menahan, Peterson, Ream, Russell, Sayles, Schwinden, Schye, Squires, Stanford, Toole, Wagner, Wallin, Wanzenried, Wyatt, Mr. Speaker.

Total 33

Voted Absentee: Whalen, Aye.

Excused: None.

Total 0

Absent or not voting: Brooke.

Total 1

**SB 112** concurred in as follows:

Ayes: Anderson, Boharski, Bohlinger, Brandewie, Brown, Cobb, Daily, Davis, DeBruycker, Ellis, Endy, Ewer, Feland, Fisher, Foster, Gervais, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Hayne, Hibbard, R. Johnson, Kasten, Keller, Knox, Larson, Mason, McCarthy, McCulloch, Mills, Molnar, L. Nelson, T. Nelson, Orr, J. Rice, S. Rice, Rose, Russell, Sayles, Schwinden, Smith, Spring, Stanford, Stovall, Tash, Toole, Tunby, Vogel, Wallin, Wanzenried, Winslow, Wiseman, Zook, Mr. Speaker.  
Total 57

Noes: Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Brooke, Clark, Cocchiarella, Dolezal, Dowell, Driscoll, Elliott, Fagg, Galvin, Gilbert, Harper, Harrington, Herron, J. Johnson, Kadas, McCaffree, Menahan, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, Ryan, Schye, Simon, Simpkins, Squires, Swanson, Tuss, Wagner, Wyatt.  
Total 41

Excused: Whalen.  
Total 1

Absent or not voting: Strizich.  
Total 1

**SB 145** concurred in as follows:

Ayes: Anderson, Bardanouve, Barnett, Barnhart, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Grady, Grimes, Hansen, Harper, Harrington, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Larson, Mason, McCaffree, McCulloch, Quilici, Raney, Ream, J. Rice, S. Rice, Russell, Ryan, Schye, Simon, Simpkins, Squires, Stanford, Strizich, Swanson, Tash, Toole, Tunby, Vogel, Wallin, Wanzenried, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 63

Noes: Bachini, Benedict, Bergman, Bergsagel, DeBruycker, Elliott, Ellis, Endy, Feland, Gilbert, Grinde, H.S. Hanson, M. Hanson, Hayne, Herron, Kasten, McCarthy, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Rehbein, Rose, Sayles, Schwinden, Spring, Stovall, Tuss, Wagner, Winslow.  
Total 35

Excused: Whalen.  
Total 1

Absent or not voting: Smith.  
Total 1

**SB 223** concurred in as follows:

Ayes: Bachini, Bardanouve, Barnhart, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin,

Gervais, Grady, Grimes, Hansen, Harper, Harrington, Hibbard, J. Johnson, R. Johnson, Kadas, Larson, Mason, McCaffree, McCarthy, McCulloch, Molnar, T. Nelson, Pavlovich, Peck, Quilici, Raney, Ream, J. Rice, S. Rice, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tuss, Vogel, Wanzenried, Wiseman, Wyatt, Mr. Speaker.

Total 69

Noes: Anderson, Barnett, Benedict, Bergman, Bergsagel, Clark, DeBruycker, Ellis, Gilbert, Grinde, H.S. Hanson, M. Hanson, Hayne, Herron, Kasten, Keller, Knox, Mills, L. Nelson, Orr, Peterson, Rehbein, Rose, Spring, Tunby, Wagner, Wallin, Winslow, Zook.

Total 29

Excused: Whalen.

Total 1

Absent or not voting: Menahan.

Total 1

**SB 231** concurred in as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Bergman, Bird, Bohlinger, Brandewie, Brooke, Brown, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Grady, Grimes, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hibbard, J. Johnson, R. Johnson, Kadas, Knox, Larson, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Pavlovich, Peck, Quilici, Raney, Ream, J. Rice, S. Rice, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wallin, Wanzenried, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 79

Noes: Benedict, Bergsagel, Boharski, Clark, DeBruycker, Feland, Gilbert, Grinde, Hayne, Herron, Kasten, Keller, Mason, Orr, Peterson, Rehbein, Rose, Smith, Spring, Wagner.

Total 20

Excused: Whalen.

Total 1

Absent or not voting: None.

Total 0

**SB 249** concurred in as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Grady, Grimes, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Larson, Mason,

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McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wanzenried, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 92

Noes: Clark, DeBruycker, Gilbert, Grinde, Knox, Rehbein, Wallin.

Total 7

Excused: Whalen.

Total 1

Absent or not voting: None.

Total 0

**SB 252** concurred in as follows:

Ayes: Bachini, Bardanouve, Benedict, Bergman, Boharski, Bohlinger, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Ellis, Endy, Fagg, Galvin, Grimes, Hansen, H.S. Hanson, M. Hanson, Harrington, Hayne, Herron, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Mason, McCarthy, McCulloch, Menahan, Mills, T. Nelson, Orr, Pavlovich, Peck, Quilici, Ream, J. Rice, Rose, Ryan, Sayles, Schwinden, Simon, Simpkins, Squires, Stanford, Stovall, Strizich, Tash, Tunby, Vogel, Wallin, Wanzenried, Wiseman, Zook.

Total 57

Noes: Anderson, Barnett, Barnhart, Bergsagel, Bird, Brandewie, Brooke, Brown, Dolezal, Dowell, Driscoll, Elliott, Ewer, Feland, Fisher, Foster, Gervais, Gilbert, Grady, Grinde, Harper, Hibbard, Knox, Larson, McCaffree, Molnar, L. Nelson, Peterson, Raney, Rehbein, S. Rice, Russell, Schye, Smith, Spring, Swanson, Toole, Tuss, Wagner, Winslow, Wyatt, Mr. Speaker.

Total 42

Excused: Whalen.

Total 1

Absent or not voting: None.

Total 0

**SB 313** concurred in as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Grady, Grimes, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford,



Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 89

Noes: Bergsagel, Cocchiarella, DeBruycker, Gilbert, Grinde, Hayne, Peterson, Rehbein.

Total 8

Excused: Whalen.

Total 1

Absent or not voting: Kasten, Molnar.

Total 2

**SB 318** not concurred in as follows:

Ayes: Bachini, Bardanouve, Barnhart, Bohlinger, Brooke, Brown, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Endy, Ewer, Fagg, Galvin, Gervais, Harper, Harrington, J. Johnson, Kadas, Larson, McCaffree, McCarthy, McCulloch, Menahan, Mills, Pavlovich, Quilici, Raney, Ream, S. Rice, Russell, Ryan, Schwinden, Schye, Squires, Stanford, Strizich, Swanson, Toole, Tuss, Vogel, Wallin, Wanzenried, Wyatt.

Total 48

Noes: Anderson, Barnett, Benedict, Bergman, Bergsagel, Bird, Boharski, Brandewie, Clark, DeBruycker, Ellis, Feland, Fisher, Foster, Gilbert, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Herron, Hibbard, R. Johnson, Kasten, Keller, Knox, Mason, Molnar, L. Nelson, T. Nelson, Orr, Peck, Peterson, Rehbein, J. Rice, Rose, Sayles, Simon, Simpkins, Smith, Spring, Stovall, Tash, Tunby, Wagner, Winslow, Wiseman, Zook, Mr. Speaker.

Total 50

Excused: Whalen.

Total 1

Absent or not voting: Hansen.

Total 1

**SB 334** concurred in as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Benedict, Bergman, Bergsagel, Bird, Bohlinger, Brandewie, Brown, Daily, Davis, DeBruycker, Driscoll, Elliott, Ellis, Endy, Fagg, Feland, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Harrington, Hayne, Hibbard, J. Johnson, R. Johnson, Kasten, Keller, Knox, Mason, McCarthy, Menahan, Mills, Molnar, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Ream, Rehbein, J. Rice, Rose, Russell, Ryan, Sayles, Simon, Smith, Spring, Stovall, Swanson, Tash, Toole, Tunby, Vogel, Wagner, Wallin, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 71

Noes: Barnhart, Boharski, Brooke, Cobb, Cocchiarella, Dolezal, Dowell, Ewer, Fisher, Hansen, Harper, Herron, Kadas, Larson, McCaffree, McCulloch, L. Nelson, Raney, Schwinden, Schye, Simpkins, Squires, Stanford, Strizich, Tuss, Wanzenried.

Total 26

Excused: Whalen.

Total 1

Absent or not voting: Clark, S. Rice.

Total 2

**SB 395** concurred in as follows:

Ayes: Anderson, Bachini, Bardanoue, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 95

Noes: Bergsagel, Raney, Rehbein.

Total 3

Excused: Whalen.

Total 1

Absent or not voting: Smith.

Total 1

**SB 403** not concurred in as follows:

Ayes: Anderson, Bardanoue, Bergman, Boharski, Bohlinger, Brandewie, Clark, Ellis, Fagg, Feland, Foster, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Hayne, Herron, Hibbard, R. Johnson, Keller, Knox, Mason, Mills, Molnar, T. Nelson, Orr, J. Rice, Rose, Sayles, Smith, Stovall, Tash, Tunby, Vogel, Wagner, Winslow, Wiseman, Zook, Mr. Speaker.

Total 42

Noes: Bachini, Barnett, Barnhart, Benedict, Bergsagel, Bird, Brooke, Brown, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Endy, Ewer, Fisher, Galvin, Gervais, Harper, Harrington, J. Johnson, Kadas, Kasten, Larson, McCaffree, McCarthy, McCulloch, Menahan, L. Nelson, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, S. Rice, Russell, Ryan, Schwinden, Schye, Simon, Simpkins,

Spring, Squires, Stanford, Strizich, Swanson, Toole, Tuss, Wallin,  
Wanzenried, Whalen, Wyatt.

Total 58

Voted Absentee: Whalen, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 406** concurred in as follows:

Ayes: Anderson, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 95

Noes: Orr, Spring.

Total 2

Excused: Whalen.

Total 1

Absent or not voting: Bachini, McCulloch.

Total 2

**SJR 11** concurred in as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Bohlinger, Brandewie, Brooke, Brown, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Grady, Grimes, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Wagner, Wallin, Wanzenried, Winslow, Wyatt, Zook, Mr. Speaker.

Total 85

Noes: Bergsagel, Boharski, Clark, DeBruycker, Gilbert, Grinde, Hayne, Kasten, Knox, Peterson, Rehbein, Smith, Vogel, Wiseman.  
Total 14

Excused: Whalen.  
Total 1

Absent or not voting: None.  
Total 0

**SJR 24** concurred in as follows:

Ayes: Bachini, Bardanouve, Barnett, Barnhart, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Endy, Ewer, Fagg, Galvin, Gervais, Grady, Grimes, Hansen, H.S. Hanson, Harper, Harrington, Hayne, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Pavlovich, Peck, Quilici, Raney, Ream, J. Rice, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wallin, Wanzenried, Winslow, Wiseman, Wyatt, Mr. Speaker.  
Total 77

Noes: Anderson, Benedict, Bergsagel, Clark, DeBruycker, Ellis, Feland, Fisher, Foster, Gilbert, Grinde, M. Hanson, Herron, McCaffree, Orr, Peterson, Rehbein, Spring, Wagner, Zook.  
Total 20

Excused: Whalen.  
Total 1

Absent or not voting: S. Rice, Rose.  
Total 2

### MOTIONS

Representative Bachini moved he be allowed to change his vote on SB 406, third reading, from absent to no. Motion carried.

Representative Vogel moved he be allowed to change his vote on SB 15, third reading, from no to aye. Motion carried.

Representative Clark moved he be allowed to change his vote on SB 39, third reading, from aye to no. Motion carried.

Representative Hansen moved she be allowed to change her vote on SB 39, third reading, from aye to no. Motion carried.

Representative Spring moved he be allowed to change his vote on SB 406, third reading, from no to aye. Motion carried.



Representative Grinde moved the House recess until 1:15 p.m. Motion carried.

House recessed at 11:24 a.m.

House reconvened at 1:15 p.m. Mr. Speaker in the Chair.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Wanzenried in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HJR 26** - Representative Bachini moved HJR 26 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 98

Noes: Molnar.

Total 1

Voted Absentee: Whalen, Aye.

Excused: None.

Total 0

Absent or not voting: Strizich.

Total 1

**SB 119** - Representative J. Rice moved SB 119, third reading copy, be amended as follows (amendment #1):

1. Title, line 17.

Following: line 16

Insert: "32-3-501,"

2. Page 219, line 6.

Following: line 5

Insert: "Section 132. Section 32-3-501, MCA, is amended to read:

"32-3-501. Shares. (1) The capital of a credit union consists of the payments by the members on shares.

(2) Shares may be subscribed to, paid for, and transferred in ~~such~~ a manner as the bylaws prescribe.

(3) A certificate need not be issued to denote ownership of a share in a credit union.

(4) This chapter does not restrict or prohibit the issuance of shares in any type of account described in [sections 84 through 102]. However, the party, the beneficiary, or the agent of an account may not vote, obtain loans, hold office, or be required to pay an entrance or membership fee unless the party, beneficiary, or agent is a member of the credit union."

Renumber: subsequent sections

Amendment #1 passed as follows:

Ayes: Anderson, Bachini, Bardanoue, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 98

Noes: Feland.

Total 1

Excused: Whalen.

Total 1

Absent or not voting: None.

Total 0

Representative J. Rice moved SB 119, as amended, be concurred in. Motion carried as follows:

Ayes: Anderson, Bardanoue, Barnett, Barnhart, Bergman, Bird, Bohlinger, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson,

Tash, Toole, Tunby, Tuss, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 86

Noes: Bachini, Benedict, Bergsagel, Boharski, Brandewie, DeBruycker, Feland, Gilbert, McCaffree, Peck, Peterson, Simon, Vogel, Wagner.

Total 14

Voted Absentee: Whalen, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 285** - Representative J. Rice moved SB 285 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hibbard, J. Johnson, R. Johnson, Kadas, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 87

Noes: Bergsagel, Brandewie, DeBruycker, Feland, Fisher, Hayne, Herron, Kasten, Keller, Molnar, Peterson, Rehbein, Wagner.

Total 13

Voted Absentee: Whalen, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 689, HB 690, HB 691, HJR 25, SB 71, SB 77, SB 94 and SB 292** - Representative Grinde moved consideration of these bills be placed at the top of the second reading board. Motion carried.

**HB 689** - Representative Fisher moved HB 689 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brooke, Clark, Cobb, Cocchiarella,

Daily, Davis, DeBruycker, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Vogel, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 86

Noes: Barnhart, Brandewie, Brown, Dolezal, Dowell, Galvin, Gervais, Herron, McCaffree, Rehbein, Stanford, Tuss.  
Total 12

Voted Absentee: Whalen, Aye.

Excused: None.  
Total 0

Absent or not voting: Ryan, Wagner.  
Total 2

**HB 690** - Representative Wiseman moved HB 690, second reading copy, be amended as follows (amendment #1):

1. Page 2, line 1.  
Following: "REQUEST"  
Strike: "MAY"  
Insert: "shall"

Amendment #1 passed as follows:

Ayes: Anderson, Bardanouve, Barnett, Benedict, Bird, Boharski, Bohlinger, Brandewie, Brooke, Clark, Cobb, DeBruycker, Dolezal, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gilbert, Grimes, Grinde, H.S. Hanson, M. Hanson, Harper, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, Mills, Molnar, L. Nelson, T. Nelson, Orr, Quilici, Raney, Rehbein, J. Rice, S. Rice, Rose, Russell, Sayles, Simon, Simpkins, Smith, Spring, Stovall, Swanson, Tash, Toole, Tunby, Vogel, Wagner, Wallin, Wanzenried, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 70

Noes: Bachini, Bergman, Bergsagel, Brown, Cocchiarella, Daily, Davis, Dowell, Driscoll, Gervais, Hansen, Harrington, McCulloch, Pavlovich, Peck, Peterson, Ream, Schwinden, Squires, Stanford, Strizich, Tuss.  
Total 22

Excused: Whalen.  
Total 1



Absent or not voting: Barnhart, Grady, Hayne, Herron, Menahan, Ryan, Schye.

Total 7

Representative Wiseman moved HB 690, as amended, do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Benedict, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Knox, Mason, McCaffree, McCarthy, Mills, Molnar, L. Nelson, T. Nelson, Orr, Peck, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 85

Noes: Bergman, Bergsagel, Davis, Harrington, Hayne, Keller, Larson, McCulloch, Menahan, Peterson, Stanford.

Total 11

Voted Absentee: Whalen, Aye.

Excused: None.

Total 0

Absent or not voting: Barnhart, Daily, Grady, Pavlovich.

Total 4

**HB 691** - Representative Cobb moved HB 691 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Wagner, Whalen, Winslow, Wiseman, Zook, Mr. Speaker.

Total 88

Noes: Boharski, DeBruycker, Dowell, Feland, Harrington, McCulloch, Ryan, Stanford, Vogel, Wallin, Wanzenried.

Total 11

Voted Absentee: Whalen, Aye.

Excused: None.  
Total 0

Absent or not voting: Wyatt.  
Total 1

**HJR 25** - Representative Fisher moved HJR 25 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCarthy, McCulloch, Menahan, Mills, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 92

Noes: Barnhart, Bergsagel, DeBruycker, Dowell, Feland, McCaffree, Molnar, Rehbein.  
Total 8

Voted Absentee: Whalen, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 71** - Representative Peterson moved SB 71 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Elliott, Ellis, Endy, Fagg, Feland, Fisher, Foster, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Hayne, Herron, Hibbard, J. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Zook, Mr. Speaker.  
Total 90

Noes: Driscoll, Ewer, Galvin, Harper, Harrington, R. Johnson, Menahan, Quilici, Wyatt.  
Total 9

Voted Absentee: Whalen, Aye.

Excused: None.  
Total 0

Absent or not voting: Russell.  
Total 1

**SB 77** - Representative Peck moved SB 77, third reading copy, be amended as follows (amendment #1):

1. Strike House Appropriations Committee amendments 5 and 6
2. Page 2, line 5.  
Following: "regents"  
Insert: "and one student of the university system appointed by the governor"  
Following: ";"  
Insert: "and"

Amendment #1 passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 96

Noes: Feland, Gilbert.  
Total 2

Excused: Whalen.  
Total 1

Absent or not voting: Gervais.  
Total 1

Representative Peck moved SB 77, as amended, be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Fagg, Fisher, Foster, Galvin, Gervais, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 89

Noes: Bergsagel, DeBruycker, Feland, Gilbert, Kasten, Molnar, Rehbein, Ryan, Strizich.  
Total 9

Voted Absentee: Whalen, Aye.

Excused: None.  
Total 0

Absent or not voting: Ewer, Russell.  
Total 2

**SB 94** - Representative Cobb moved SB 94 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Benedict, Bergman, Bergsagel, Boharski, Bohlinger, Brandewie, Clark, Cobb, DeBruycker, Elliott, Ellis, Fagg, Feland, Fisher, Foster, Gilbert, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Harper, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Mason, Mills, Molnar, L. Nelson, T. Nelson, Orr, Peck, Peterson, Ream, J. Rice, S. Rice, Rose, Ryan, Sayles, Schwinden, Simon, Simpkins, Spring, Stovall, Strizich, Tash, Tunby, Tuss, Vogel, Wagner, Wallin, Winslow, Wiseman, Zook, Mr. Speaker.  
Total 65

Noes: Barnhart, Bird, Brooke, Brown, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Endy, Ewer, Galvin, Gervais, Hansen, Harrington, Larson, McCaffree, McCarthy, McCulloch, Menahan, Pavlovich, Quilici, Raney, Rehbein, Russell, Schye, Smith, Squires, Stanford, Swanson, Toole, Wanzenried, Whalen, Wyatt.  
Total 35

Voted Absentee: Whalen, No.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0



**SB 292** - Representative Peterson moved SB 292 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 92

Noes: Bergsagel, DeBruycker, Feland, Gilbert, McCaffree, Rehbein.

Total 6

Voted Absentee: Whalen, Aye.

Excused: None.

Total 0

Absent or not voting: Elliott, Wagner.

Total 2

**HB 27** - Representative Squires moved Senate amendments to HB 27 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 96

Noes: Kadas.

Total 1

Excused: Whalen.

Total 1

Absent or not voting: Grinde, Sayles.

Total 2

**HB 67** - Representative Cocchiarella moved Senate amendments to HB 67 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 96

Noes: Bergsagel, Rehbein.  
Total 2

Excused: Whalen.  
Total 1

Absent or not voting: Sayles.  
Total 1

**HB 124** - Representative McCaffree moved Senate amendments to HB 124 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wallin, Wanzenried, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 91

Noes: Boharski, Feland, Gervais, Herron, Keller, Peterson.  
Total 6

Excused: Whalen.  
Total 1

Absent or not voting: Sayles, Wagner.  
Total 2

**HB 134** - Representative Peterson moved Senate amendments to HB 134 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Grimes, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 94

Noes: Gilbert, Kasten.  
Total 2

Excused: Whalen.  
Total 1

Absent or not voting: Ellis, Grady, Grinde.  
Total 3

**HB 139** - Representative Grinde moved Senate amendments to HB 139 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Grady, Grimes, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 94

Noes: Gilbert.  
Total 1

Excused: Whalen.  
Total 1

Absent or not voting: Grinde, J. Johnson, Simon, Strizich.  
Total 4

**HB 149** - Representative Larson moved Senate amendments to HB 149 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 98

Noes: None.  
Total 0

Excused: Whalen.  
Total 1

Absent or not voting: McCarthy.  
Total 1

**HB 151** - Representative Vogel moved Senate amendments to HB 151 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 98

Noes: None.  
Total 0

Excused: Whalen.  
Total 1

Absent or not voting: Orr.  
Total 1



**HB 170** - Representative Gilbert moved Senate amendments to HB 170 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Peck, Peterson, Quilici, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Wagner, Wallin, Wanzenried, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 93

Noes: Bergsagel, Clark, DeBruycker, Pavlovich, Raney, Vogel.

Total 6

Excused: Whalen.

Total 1

Absent or not voting: None.

Total 0

**HB 201** - Representative Hibbard moved Senate amendments to HB 201 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 94

Noes: Boharski, Feland, Peck.

Total 3

Excused: Whalen.

Total 1

Absent or not voting: Galvin, Toole.

Total 2

**HB 255** - Representative Anderson moved Senate amendments to HB 255 be concurred in. Motion carried as follows:

Ayes: Anderson, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Schwinden, Schye, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Winslow, Wiseman, Wyatt, Mr. Speaker.

Total 92

Noes: Bachini, Brandewie, Ellis, Peck, Sayles.

Total 5

Excused: Whalen.

Total 1

Absent or not voting: Simon, Zook.

Total 2

**HB 281** - Representative Grady moved Senate amendments to HB 281 be concurred in. Motion carried as follows:

Ayes: Anderson, Bardanouve, Barnett, Benedict, Bergman, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, DeBruycker, Dolezal, Dowell, Driscoll, Ellis, Endy, Fagg, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Harrington, J. Johnson, R. Johnson, Kasten, Knox, Larson, Mason, McCarthy, McCulloch, Menahan, Molnar, L. Nelson, T. Nelson, Pavlovich, Quilici, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Stanford, Stovall, Strizich, Swanson, Tash, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 74

Noes: Bachini, Barnhart, Bergsagel, Bird, Boharski, Davis, Elliott, Ewer, Feland, Hansen, Harper, Hayne, Herron, Kadas, Keller, McCaffree, Mills, Orr, Peck, Peterson, Raney, Rehbein, Squires, Toole.

Total 24

Excused: Whalen.

Total 1

Absent or not voting: Hibbard.

Total 1

**HB 294** - Representative Larson moved Senate amendments to HB 294 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanoue, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Grady, Grimes, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 93

Noes: Feland, Gilbert.  
Total 2

Excused: Whalen.  
Total 1

Absent or not voting: Grinde, Hibbard, J. Rice, S. Rice.  
Total 4

**HB 339** - Representative Driscoll moved Senate amendments to HB 339 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanoue, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Pavlovich, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 94

Noes: Harrington, Peck.  
Total 2

Excused: Whalen.  
Total 1

Absent or not voting: Bergsagel, McCaffree, Orr.  
Total 3

**HB 358** - Representative Barnett moved Senate amendments to HB 358 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wallin, Wanzenried, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 92

Noes: Davis, Feland, Herron, Larson, Ryan.  
Total 5

Excused: Whalen.  
Total 1

Absent or not voting: Strizich, Wagner.  
Total 2

**HB 410** - Representative Simpkins moved Senate amendments to HB 410 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Barnett, Benedict, Bergman, Bergsagel, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Harper, Hayne, Herron, Hibbard, J. Johnson, Kadas, Kasten, Keller, Knox, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Ream, Rehbein, J. Rice, S. Rice, Rose, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 87

Noes: Bardanouve, Barnhart, Bird, Ewer, Fagg, Hansen, Harrington, Larson, Raney, Russell.  
Total 10

Excused: Whalen.  
Total 1

Absent or not voting: R. Johnson, Strizich.  
Total 2



**HB 431** - Representative Strizich moved Senate amendments to HB 431 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Winslow, Wyatt, Zook, Mr. Speaker.  
Total 96

Noes: McCulloch, Wiseman.  
Total 2

Excused: Whalen.  
Total 1

Absent or not voting: Strizich.  
Total 1

**HB 445** - Representative McCulloch moved Senate amendments to HB 445 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Spring, Squires, Stanford, Stovall, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Winslow, Wiseman, Wyatt, Mr. Speaker.  
Total 90

Noes: Bergsagel, Brown, DeBruycker, Hayne, Keller, Knox, Smith, Strizich, Zook.  
Total 9

Excused: Whalen.  
Total 1

Absent or not voting: None.  
Total 0

**HB 472** - Representative Wallin moved Senate amendments to HB 472 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Barnett, Barnhart, Bergman, Bergsagel, Bird, Bohlinger, Brandewie, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Foster, Galvin, Gervais, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Pavlovich, Peterson, Quilici, Ream, J. Rice, S. Rice, Rose, Ryan, Sayles, Schwinden, Schye, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wallin, Wanzenried, Wyatt, Zook, Mr. Speaker.

Total 83

Noes: Benedict, Boharski, Cobb, Fisher, Gilbert, Kasten, Orr, Raney, Rehbein, Russell, Simon, Wagner, Winslow, Wiseman.

Total 14

Excused: Whalen.

Total 1

Absent or not voting: Bardanouve, Peck.

Total 2

**HB 526** - Representative Brandewie moved Senate amendments to HB 526 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, J. Rice, S. Rice, Rose, Russell, Ryan, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 92

Noes: Bergsagel, Raney, Ream, Rehbein.

Total 4

Excused: Whalen.

Total 1

Absent or not voting: Benedict, Grinde, Sayles.

Total 3

**HB 565** - Representative Wyatt moved Senate amendments to HB 565 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 95

Noes: Bergsagel.  
Total 1

Excused: Whalen.  
Total 1

Absent or not voting: Grinde, Sayles, Schwinden.  
Total 3

**HB 648** - Representative Anderson moved Senate amendments to HB 648 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Barnett, Barnhart, Benedict, Bergman, Bird, Bohlinger, Brandewie, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Larson, Mason, McCarthy, McCulloch, Menahan, Mills, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, S. Rice, Rose, Russell, Ryan, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Tunby, Tuss, Vogel, Wagner, Wallin, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 83

Noes: Bergsagel, Boharski, DeBruycker, Dowell, Gervais, Herron, Kasten, McCaffree, Rehbein, J. Rice.  
Total 10

Excused: Whalen.  
Total 1

Absent or not voting: Bardanouve, Brooke, Molnar, Sayles, Toole, Wanzenried.  
Total 6

Representative Grinde moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman Wanzenried moved the adoption of the committee report. Report adopted. (89-6)

### **REPORTS OF STANDING COMMITTEES**

BILLS (Hayne, Chairman): 3/31/93  
Correctly engrossed for third reading: HB 689, HB 690, HB 691, HJR 25, HJR 26, SB 71, SB 77, SB 94, SB 98, SB 119, SB 285, SB 292, SJR 11, SJR 24.

### **MOTIONS**

Representative Tash moved the House reconsider its action on SB 255 taken on second reading the previous legislative day. Motion carried. (60-38)

Representative S. Rice moved the House reconsider its action on SB 276 taken on third reading the previous legislative day. Motion failed. (47-50)

Representative Molnar moved he be allowed to change his vote on HJR 26 and SB 285, second reading, from no to aye. Motion carried.

Representative Gilbert moved SB 72 be taken from engrossing and rereferred to second reading. Motion carried.

### **SPECIAL ORDERS OF THE DAY**

Upon written objection of Representatives J. Rice, Grinde, and Hibbard, SB 417 was removed from the consent calendar and placed on second reading.

### **ANNOUNCEMENTS**

Committee meetings were announced by committee chairmen.

Representative Grinde moved the House adjourn until 9:00 a.m., Thursday, April 1, 1993. Motion carried.

House adjourned at 2:59 p.m.

John Mercer, Speaker

Marilyn Miller, Chief Clerk





## SEVENTY-THIRD LEGISLATIVE DAY

Helena, Montana  
April 1, 1993

House Chambers  
State Capitol

House convened at 9:00 a.m. Mr. Speaker in the Chair. Invocation by Representative Smith. Pledge of Allegiance to the Flag.

Roll call. All members present except Grady, T. Nelson, excused. Quorum present.

### REPORTS OF SELECT COMMITTEES

Free Conference Committee  
on Senate Joint Resolution 3  
Report No. 1, March 31, 1993

Mr. President and Mr. Speaker:

We, your Free Conference Committee on Senate Joint Resolution 3, met and considered:

Senate Joint Resolution 3

We recommend that Senate Joint Resolution 3 (reference copy - salmon) be amended as follows:

1. Title, line 7.

Following: "TO"

Insert: "STATE WILDLIFE MANAGEMENT AGENCIES TO CONDUCT BIG GAME HABITAT POPULATION STUDIES IN AREAS AFFECTED BY THE RECOVERY PROGRAM; REQUESTING THAT AFFECTED STATE AND FEDERAL AGENCIES ANALYZE THE IMPACTS OF WOLF RECOVERY ON OTHER MULTIPLE-USE INTERESTS; ENCOURAGING THE APPROPRIATE FEDERAL AGENCIES TO PROVIDE THE NECESSARY RESOURCES TO STATE WILDLIFE MANAGEMENT AGENCIES TO IMPLEMENT HABITAT IMPROVEMENT PROJECTS IN COOPERATION, COORDINATION, AND CONSULTATION WITH OTHER FUNDING OF A WOLF SPECIALIST IN MONTANA; AND URGING FEDERAL AGENCIES TO PERSUADE CONGRESS TO AMEND THE ENDANGERED SPECIES ACT TO GIVE STATE WILDLIFE MANAGEMENT AGENCIES THE NECESSARY FLEXIBILITY TO MANAGE THE GRAY WOLF"

2. Title, line 18.

Strike: "THE STATE OF MONTANA"

3. Page 2, line 19.

Strike: "THOSE"

Insert: "affected state and"

Following: "AGENCIES"

Insert: "cooperatively"

4. Page 2, line 20.

Strike: "LAND USES"

Insert: "multiple-use interests"

And that this Free Conference Committee report be adopted.

For the Senate:

For the House:

Kennedy, Chairman  
Pipinich  
Mesaros

Knox, Chairman  
Ream  
Wagner

### MESSAGES FROM THE SENATE

House bill concurred in and returned to the House:

3/31/93

**HB 228**, introduced by Toole

House bills concurred in as amended and returned to the House for concurrence in Senate amendments:

3/31/93

**HB 128**, introduced by Brown

**HB 221**, introduced by Schye

**HB 245**, introduced by Kadas

**HB 530**, introduced by Spring

**HB 176**, introduced by Grinde, requiring adoption by an affirmative roll call vote of two-thirds of all the members of the Legislature, passed the Senate and was transmitted on 3/31/93 to the House with the following vote: (20-29).

### MESSAGES FROM THE GOVERNOR

The Honorable John Mercer  
Speaker of the House  
State Capitol  
Helena, Montana 59620

March 31, 1993

Dear Representative Mercer:

Please be informed that I have signed House Bills 329, 340, 373, 561, 566, and 634 on March 31, 1993.

Sincerely,

MARC RACICOT  
Governor

### MOTIONS

Representative Dowell moved SB 176 be taken from the table in the Committee on State Administration, printed, and placed on second reading this legislative day. Motion failed (49-48). [Requires three-fifths vote.]

Representative Simpkins moved the House reconsider its action on SB 318 taken on third reading the previous legislative day and that SB 318 be placed back on third reading this legislative day. Motion carried.

April 1, 1993

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Kasten in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**SB 72** - Representative Gilbert moved SB 72, third reading copy, be amended as follows (amendment #1):

1. Page 6, line 3.

Strike: "2"

Insert: "3"

Strike: "PART 3."

2. Page 6, line 4.

Strike: "2"

Insert: "3"

Strike: "PART 3."

Amendment #1 passed as follows:

Ayes: Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Galvin, Gervais, Gilbert, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, L. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 92

Noes: Bergsagel, Raney.

Total 2

Excused: Grady, T. Nelson.

Total 2

Absent or not voting: Anderson, Elliott, Foster, Molnar.

Total 4

Representative Gilbert moved SB 72, as amended, be concurred in. Motion carried as follows:

Ayes: Anderson, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily,



Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Foster, Galvin, Gervais, Gilbert, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, Orr, Pavlovich, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 93

Noes: Bachini, Bergsagel, Boharski, Fisher, Peck.

Total 5

Excused: Grady, T. Nelson.

Total 2

Absent or not voting: None.

Total 0

**SB 417** - Representative J. Rice moved SB 417, third reading copy, be amended as follows (amendment #1):

1. Title, line 12.

Following: "DATE"

Insert: "AND AN APPLICABILITY DATE"

2. Page 6.

Following: line 14

Insert: "**NEW SECTION.** Section 5. Applicability. [This act] applies to sales of gasoline and special fuels on or after [the effective date of this act] and to taxes due on those sales."

Renumber: subsequent section

Amendment #1 passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Zook, Mr. Speaker.

Total 96

Noes: Bergsagel, Wyatt.

Total 2

Excused: Grady, T. Nelson.  
Total 2

Absent or not voting: None.  
Total 0

Representative Whalen moved SB 417, as amended, be concurred in.  
Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, Orr, Pavlovich, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 96

Noes: Bergsagel, Peck.  
Total 2

Excused: Grady, T. Nelson.  
Total 2

Absent or not voting: None.  
Total 0

**HB 241** - Representative Strizich moved Senate amendments to HB 241 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Gilbert, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 91

Noes: Bergsagel, Feland, Orr, Peterson, Wagner.  
Total 5

Excused: Grady, T. Nelson.

Total 2

Absent or not voting: Barnhart, Ryan.

Total 2

**HJR 13** - Representative Barnhart moved Senate amendments to HJR 13 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bird, Boharski, Bohlinger, Brooke, Brown, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Grimes, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, Orr, Pavlovich, Peck, Quilici, Raney, Ream, S. Rice, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 81

Noes: Bergman, Bergsagel, Brandewie, Clark, Feland, Gilbert, Grinde, Hayne, Herron, Mason, Peterson, Rehbein, J. Rice, Rose, Spring, Vogel, Wagner.

Total 17

Excused: Grady, T. Nelson.

Total 2

Absent or not voting: None.

Total 0

**HJR 17** - Representative Smith moved Senate amendments to HJR 17 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Gilbert, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, Orr, Pavlovich, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 92

Noes: Bergsagel, Feland, Hayne, Peck, Rehbein.

Total 5

Excused: Grady, T. Nelson.

Total 2

April 1, 1993

Absent or not voting: Benedict.

Total 1

**HB 409** - Representative Pavlovich moved Senate amendments to HB 409 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Barnett, Barnhart, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, L. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 93

Noes: Bergsagel.

Total 1

Excused: Grady, T. Nelson.

Total 2

Absent or not voting: Bardanouve, Benedict, Kasten, Molnar.

Total 4

**HB 494** - Representative Dowell moved Senate amendments to HB 494 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Grimes, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 91

Noes: Bergman, Bergsagel, Feland, Gilbert, Grinde, Hayne, Peterson.

Total 7

Excused: Grady, T. Nelson.

Total 2

Absent or not voting: None.

Total 0



**HB 496** - Representative Wyatt moved Senate amendments to HB 496 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Benedict, Bergman, Bergsagel, Bird, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grimes, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Schwinden, Schye, Simon, Simpkins, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 91

Noes: Boharski, Sayles, Smith, Vogel.

Total 4

Excused: Grady, T. Nelson.

Total 2

Absent or not voting: Barnhart, Grinde, Keller.

Total 3

**HB 637** - Representative Ryan moved Senate amendments to HB 637 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grimes, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 97

Noes: None.

Total 0

Excused: Grady, T. Nelson.

Total 2

Absent or not voting: Grinde.

Total 1

April 1, 1993

**HB 84** - Representative Fagg moved Senate amendments to HB 84 be concurred in. Motion carried as follows:

Ayes: Bachini, Bardanouve, Barnhart, Bergman, Bohlinger, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Endy, Ewer, Fagg, Galvin, Gervais, Hansen, Harper, Harrington, J. Johnson, R. Johnson, Kadas, Larson, McCaffree, McCarthy, McCulloch, Menahan, L. Nelson, Pavlovich, Peck, Quilici, Raney, Ream, S. Rice, Russell, Ryan, Schwinden, Schye, Squires, Stanford, Strizich, Swanson, Tuss, Wallin, Wanzenried, Whalen, Winslow, Wyatt.

Total 52

Noes: Anderson, Barnett, Benedict, Bergsagel, Bird, Boharski, Brandewie, Cobb, DeBruycker, Ellis, Feland, Fisher, Foster, Gilbert, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Herron, Hibbard, Kasten, Keller, Knox, Mason, Mills, Molnar, Orr, Peterson, Rehbein, J. Rice, Rose, Sayles, Simon, Simpkins, Smith, Spring, Stovall, Tash, Toole, Tunby, Vogel, Wagner, Wiseman, Zook, Mr. Speaker.

Total 46

Excused: Grady, T. Nelson.

Total 2

Absent or not voting: None.

Total 0

**HB 273** - Representative Dolezal moved Senate amendments to HB 273 be not concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 97

Noes: Brooke.

Total 1

Excused: Grady, T. Nelson.

Total 2

Absent or not voting: None.

Total 0

**HB 288** - Representative Feland moved Senate amendments to HB 288 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, L. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 95

Noes: Davis, Molnar.

Total 2

Excused: Grady, T. Nelson.

Total 2

Absent or not voting: Wallin.

Total 1

**HB 299** - Representative Wallin moved Senate amendments to HB 299 be concurred in. Motion carried as follows:

Ayes: Anderson, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Grimes, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, Orr, Pavlovich, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 90

Noes: Bachini, Bergsagel, Boharski, Feland, Gilbert, Grinde, Peck, Rehbein.

Total 8

Excused: Grady, T. Nelson.

Total 2

Absent or not voting: None.

Total 0

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**HB 258** - Representative Toole moved Senate amendments to HB 258 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Grimes, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 88

Noes: Benedict, Bergman, Bergsagel, DeBruycker, Feland, Gilbert, Grinde, Wallin.

Total 8

Excused: Grady, T. Nelson.

Total 2

Absent or not voting: L. Nelson, Schye.

Total 2

**HB 272** - Representative J. Rice moved Senate amendments to HB 272 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Foster, Galvin, Gervais, Gilbert, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 95

Noes: None.

Total 0

Excused: Grady, T. Nelson.

Total 2

Absent or not voting: Bardanouve, Fisher, Kasten.

Total 3



**HB 307** - Representative DeBruycker moved Senate amendments to HB 307 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Foster, Galvin, Gervais, Gilbert, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 89

Noes: Grimes, Grinde, Herron, Orr, Rose, Spring.  
Total 6

Excused: Grady, T. Nelson.  
Total 2

Absent or not voting: Bardanouve, Fisher, J. Johnson.  
Total 3

**HB 545** - Representative Tuss moved Senate amendments to HB 545 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Grimes, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, L. Nelson, Orr, Pavlovich, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 85

Noes: Bergsagel, Boharski, DeBruycker, Feland, Gilbert, Grinde, Molnar, Peck, Peterson, Rehbein, Vogel, Wagner.  
Total 12

Excused: Grady, T. Nelson.  
Total 2

Absent or not voting: Schye.  
Total 1

**HB 613** - Representative Ewer moved Senate amendments to HB 613 be concurred in. Motion carried as follows:

April 1, 1993

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Foster, Galvin, Gervais, Gilbert, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 95

Noes: None.

Total 0

Excused: Grady, T. Nelson.

Total 2

Absent or not voting: Benedict, Fisher, Kasten.

Total 3

**HB 222** - Representative Stanford moved Senate amendments to HB 222 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 97

Noes: None.

Total 0

Excused: Grady, T. Nelson.

Total 2

Absent or not voting: R. Johnson.

Total 1

**HB 429** - Representative Strizich moved Senate amendments to HB 429 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 96

Noes: Bird, Rehbein.

Total 2

Excused: Grady, T. Nelson.

Total 2

Absent or not voting: None.

Total 0

**HB 478** - Representative Toole moved Senate amendments to HB 478 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Barnett, Barnhart, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Grimes, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Molnar, L. Nelson, Pavlovich, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 81

Noes: Benedict, Bergman, Bergsagel, Cobb, Feland, Gilbert, Grinde, Hayne, Herron, Mills, Orr, Peck, Peterson, Rehbein, Spring, Wagner.

Total 16

Excused: Grady, T. Nelson.

Total 2

Absent or not voting: Bardanouve.

Total 1

**HB 606** - Representative Ellis moved Senate amendments to HB 606 be concurred in. Motion carried as follows:

April 1, 1993

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Bohlinger, Brandewie, Brooke, Brown, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, Orr, Pavlovich, Peterson, Quilici, Raney, Ream, Rehbein, S. Rice, Rose, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Wagner, Wallin, Whalen, Winslow, Wiseman, Zook, Mr. Speaker.

Total 86

Noes: Boharski, Clark, Driscoll, Gervais, Gilbert, Peck, J. Rice, Russell, Vogel, Wanzenried, Wyatt.

Total 11

Excused: Grady, T. Nelson.

Total 2

Absent or not voting: Smith.

Total 1

**HB 617** - Representative Grinde moved consideration of Senate amendments to HB 617 be placed at the bottom of the second reading board. Motion carried.

**HB 638** - Representative Grimes moved Senate amendments to HB 638 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 98

Noes: None.

Total 0

Excused: Grady, T. Nelson.

Total 2

Absent or not voting: None.

Total 0



**HB 174** - Representative Clark moved Senate amendments to HB 174 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCarthy, Menahan, Mills, Molnar, L. Nelson, Orr, Pavlovich, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Zook, Mr. Speaker.  
Total 91

Noes: Bergsagel, Brown, McCaffree, McCulloch, Peck, Rehbein, Wyatt.  
Total 7

Excused: Grady, T. Nelson.  
Total 2

Absent or not voting: None.  
Total 0

**SB 89** - Representative Squires moved consideration of Governor's amendments to SB 89 be placed below HB 317 on the second reading board. Motion carried.

**HB 23** - Representative Peck moved Senate amendments to HB 23 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Grimes, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, Orr, Pavlovich, Peck, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 91

Noes: Boharski, Gilbert, Peterson, Rehbein, Wagner.  
Total 5

Excused: Grady, T. Nelson.  
Total 2

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Absent or not voting: Grinde, Smith.

Total 2

**HB 142** - Representative Anderson moved Senate amendments to HB 142 be concurred in.

Representative Brown made a substitute motion Senate amendments to HB 142 be not concurred in. Motion carried as follows:

Ayes: Bachini, Barnett, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brown, Clark, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Driscoll, Ellis, Endy, Feland, Fisher, Foster, Galvin, Gilbert, Grimes, H.S. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Rehbein, J. Rice, Rose, Ryan, Sayles, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 77

Noes: Anderson, Bardanouve, Barnhart, Brooke, Cobb, Dowell, Elliott, Ewer, Fagg, Gervais, Grinde, Hansen, M. Hanson, McCaffree, Ream, S. Rice, Russell, Schwinden, Swanson.

Total 19

Excused: Grady, T. Nelson.

Total 2

Absent or not voting: Raney, Schye.

Total 2

**HB 168** - Representative Rehbein moved consideration of Senate amendments to HB 168 be passed for the day. Motion carried.

**HB 190** - Representative Grinde moved consideration of Senate amendments to HB 190 be placed at the bottom of the second reading board. Motion carried.

**HB 202** - Representative Kadas moved Senate amendments to HB 202 be not concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gilbert, Grimes, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole,

Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow,  
Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 93

Noes: Cobb, Gervais.  
Total 2

Excused: Grady, T. Nelson.  
Total 2

Absent or not voting: Benedict, Grinde, Russell.  
Total 3

**HB 235** - Representative Toole moved Senate amendments to HB 235 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Gilbert, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, L. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 94

Noes: Feland, Molnar.  
Total 2

Excused: Grady, T. Nelson.  
Total 2

Absent or not voting: Kasten, Spring.  
Total 2

**HB 236** - Representative Toole moved Senate amendments to HB 236 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, Orr, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich,

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Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 95

Noes: None.

Total 0

Excused: Grady, T. Nelson.

Total 2

Absent or not voting: Mason, L. Nelson, Pavlovich.

Total 3

**HB 283** - Representative Elliott moved Senate amendments to HB 283 be concurred in. Motion carried as follows:

Ayes: Bachini, Bardanoue, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gilbert, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, L. Nelson, Pavlovich, Peck, Quilici, Raney, Ream, J. Rice, S. Rice, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Wallin, Wanzenried, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 83

Noes: Anderson, Bird, Boharski, Gervais, Knox, Peterson, Rehbein, Smith, Vogel, Wagner, Whalen.

Total 11

Excused: Grady, T. Nelson.

Total 2

Absent or not voting: Molnar, Orr, Rose, Winslow.

Total 4

**HB 287** - Representative Wiseman moved Senate amendments to HB 287 be concurred in.

Representative Cocchiarella made a substitute motion Senate amendments to HB 287 be not concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanoue, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici,



Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 96

Noes: None.

Total 0

Excused: Grady, T. Nelson.

Total 2

Absent or not voting: Ewer, Tunby.

Total 2

**HB 317** - Representative Gilbert moved Senate amendments to HB 317 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 96

Noes: Raney.

Total 1

Excused: Grady, T. Nelson.

Total 2

Absent or not voting: Tunby.

Total 1

**SB 89** - Representative R. Johnson moved Governor's amendments to SB 89 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Gilbert, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Simon, Simpkins, Smith,

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Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 92

Noes: Benedict, Kasten.

Total 2

Excused: Grady, T. Nelson.

Total 2

Absent or not voting: Feland, Keller, Orr, Schye.

Total 4

**HB 365** - Representative Rose moved consideration of Senate amendments to HB 365 be passed for the day. Motion carried.

**HB 395** - Representative Foster moved Senate amendments to HB 395 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gilbert, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Simon, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Zook, Mr. Speaker.

Total 91

Noes: Benedict, Driscoll, Gervais, McCaffree, Simpkins, Wyatt.

Total 6

Excused: Grady, T. Nelson.

Total 2

Absent or not voting: Schye.

Total 1

Representative T. Nelson present at this time.

**HB 397** - Representative McCulloch moved Senate amendments to HB 397 be concurred in. Motion carried as follows:

Ayes: Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Bohlinger, Brandewie, Brooke, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Galvin, Gervais, Gilbert, Grimes, Grinde, Hansen, H.S. Hanson, Harper, Harrington, Hibbard, J. Johnson, Kadas, Keller, Larson, Mason, McCaffree, McCarthy,

McCulloch, Menahan, Mills, Molnar, T. Nelson, Pavlovich, Quilici, Raney, Ream, J. Rice, S. Rice, Russell, Ryan, Sayles, Schwinden, Schye, Simpkins, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wallin, Wanzenried, Whalen, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 74

Noes: Anderson, Bachini, Bergsagel, Boharski, Brown, DeBruycker, Feland, Foster, M. Hanson, Herron, Kasten, Knox, L. Nelson, Orr, Peck, Peterson, Rehbein, Simon, Smith, Wagner, Winslow.  
Total 21

Excused: Grady.  
Total 1

Absent or not voting: Hayne, R. Johnson, Rose, Spring.  
Total 4

**HB 401** - Representative Kadas moved Senate amendments to HB 401 be concurred in.

Representative Bardanoue made a substitute motion Senate amendments to HB 401 be not concurred in. Motion failed. (27-71)

Thereupon, Senate amendments to HB 401 were concurred in as follows:

Ayes: Anderson, Bachini, Bardanoue, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 92

Noes: Davis, Gilbert, Kasten, Peterson, Rehbein, Wagner.  
Total 6

Excused: Grady.  
Total 1

Absent or not voting: Hayne.  
Total 1

**HB 433** - Representative J. Rice moved consideration of Senate amendments to HB 433 be passed for the day. Motion carried.

**HB 443** - Representative McCulloch moved Senate amendments to HB 443 be concurred in. Motion carried as follows:

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Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Gilbert, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 95

Noes: Bergsagel.

Total 1

Excused: Grady.

Total 1

Absent or not voting: Feland, Hayne, Molnar.

Total 3

**HB 449** - Representative Swanson moved consideration of Senate amendments to HB 449 be passed for the day. Motion carried.

**HB 469** - Representative Cocchiarella moved Senate amendments to HB 469 be not concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Peck, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 97

Noes: None.

Total 0

Excused: Grady.

Total 1

Absent or not voting: Pavlovich, Peterson.

Total 2



**HB 485** - Representative Benedict moved consideration of Senate amendments to HB 485 be passed for the day. Motion carried.

**HB 500** - Representative Anderson moved consideration of Senate amendments to HB 500 be placed at the bottom of the second reading board. Motion carried.

**HB 507** - Representative Sayles moved Senate amendments to HB 507 be concurred in. Motion carried as follows:

Ayes: Bachini, Bardanouve, Barnett, Benedict, Bergman, Bird, Bohlinger, Brandewie, Brooke, Brown, Clark, Cocchiarella, Daily, DeBruycker, Dolezal, Driscoll, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Galvin, Gervais, Gilbert, Grimes, Grinde, Hansen, H.S. Hanson, Harper, Harrington, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Mason, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Quilici, Ream, S. Rice, Rose, Ryan, Sayles, Schwinden, Simon, Simpkins, Smith, Spring, Squires, Stanford, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 78

Noes: Anderson, Barnhart, Bergsagel, Boharski, Cobb, Davis, Dowell, Elliott, Foster, M. Hanson, Hayne, Herron, Larson, McCaffree, Peterson, Raney, Rehbein, J. Rice, Russell, Stovall.

Total 20

Excused: Grady.

Total 1

Absent or not voting: Schye.

Total 1

**HB 510** - Representative Hansen moved Senate amendments to HB 510 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grimes, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 97

Noes: None.

Total 0

Excused: Grady.

Total 1

Absent or not voting: Grinde, Hibbard.

Total 2

**HB 562** - Representative J. Rice moved Senate amendments to HB 562 be concurred in. Motion carried as follows:

Ayes: Anderson, Bardanouve, Barnett, Barnhart, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Quilici, Raney, Ream, J. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 91

Noes: Bachini, Fagg, Peterson, Rehbein, S. Rice, Smith, Vogel.

Total 7

Excused: Grady.

Total 1

Absent or not voting: Benedict.

Total 1

**HB 564** - Representative Kadas moved consideration of HB 564 be passed for the day. Motion carried.

**HB 581** - Representative S. Rice moved Senate amendments to HB 581 be not concurred in. Motion carried as follows:

Ayes: Anderson, Bardanouve, Barnhart, Benedict, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Gilbert, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 91

Noes: Bachini, Bergman, Bergsagel, Feland, Hayne, Rehbein.

Total 6

Excused: Grady.

Total 1

Absent or not voting: Barnett, Peterson.

Total 2

**HB 610** - Representative Whalen moved Senate amendments to HB 610 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 91

Noes: Barnhart, Cobb, Cocchiarella, Peterson, Rose, Squires, Tuss.

Total 7

Excused: Grady.

Total 1

Absent or not voting: Daily.

Total 1

**HB 619** - Representative Whalen moved Senate amendments to HB 619 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Bohlinger, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Gilbert, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 87

Noes: Boharski, Brandewie, Cobb, DeBruycker, Feland, Keller, Knox, Peck, Peterson, Rehbein.

Total 10

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Excused: Grady.

Total 1

Absent or not voting: Bardanouve, Strizich.

Total 2

**HB 617** - Representative Grinde moved consideration of Senate amendments to HB 617 be passed for the day. Motion carried.

**HB 190** - Representative Mason moved Senate amendments to HB 190 be not concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Knox, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 96

Noes: Barnhart, Keller, Larson.

Total 3

Excused: Grady.

Total 1

Absent or not voting: None.

Total 0

**HB 500** - Mr. Speaker moved Senate amendments to HB 500 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Clark, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Foster, Galvin, Gervais, Gilbert, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, L. Nelson, T. Nelson, Orr, Pavlovich, Quilici, Raney, Ream, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Zook, Mr. Speaker.

Total 85

Noes: Bardanouve, Brown, Cobb, DeBruycker, Feland, Fisher, Herron, Molnar, Peck, Peterson, Rehbein, J. Rice, Vogel, Wyatt.



Total 14

Excused: Grady.

Total 1

Absent or not voting: None.

Total 0

Representative Grinde moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman Kasten moved the adoption of the committee report. Report adopted. (90-9)

### MOTIONS

Representative Grinde moved the rules be suspended to permit placement and consideration of SB 417 on third reading this legislative day. Motion carried.

### THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 666** passed as follows:

Ayes: Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Grimes, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Pavlovich, Peck, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 83

Noes: Anderson, Bergsagel, Cobb, Elliott, Feland, Gilbert, Grinde, Hayne, Herron, Mason, Orr, Peterson, Rehbein, Spring, Wagner.

Total 15

Excused: Grady.

Total 1

Absent or not voting: Bird.

Total 1

**HB 679** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy,

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Fagg, Fisher, Foster, Galvin, Gervais, Gilbert, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harrington, Hayne, Hibbard, J. Johnson, R. Johnson, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Wyatt, Zook, Mr. Speaker.

Total 87

Noes: Bergsagel, Boharski, DeBruycker, Ewer, Feland, Harper, Herron, Kadas, Peck, Winslow, Wiseman.

Total 11

Excused: Grady.

Total 1

Absent or not voting: Toole.

Total 1

**SB 23** concurred in as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Clark, Cobb, Daily, Davis, DeBruycker, Dolezal, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grimes, Grinde, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Tash, Toole, Tunby, Vogel, Wagner, Wallin, Whalen, Wiseman, Zook, Mr. Speaker.

Total 85

Noes: Barnhart, Brooke, Brown, Cocchiarella, Dowell, Hansen, Peck, S. Rice, Swanson, Tuss, Wanzenried, Winslow, Wyatt.

Total 13

Excused: Grady.

Total 1

Absent or not voting: Rose.

Total 1

**SB 31** concurred in as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Cobb, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Grimes, H.S. Hanson, M. Hanson, Harrington, Hayne, Hibbard, J. Johnson, R. Johnson, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T.

Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 82

Noes: Bergsagel, Clark, Cocchiarella, DeBruycker, Feland, Gervais, Gilbert, Grinde, Harper, Herron, Kadas, Kasten, Rehbein, Rose, Spring.

Total 15

Excused: Grady.

Total 1

Absent or not voting: Hansen, Toole.

Total 2

**SB 32** concurred in as follows:

Ayes: Anderson, Bachini, Barnett, Benedict, Bird, Boharski, Bohlinger, Brandewie, Cobb, Driscoll, Elliott, Ellis, Fagg, Fisher, Foster, Grimes, Grinde, Hansen, H.S. Hanson, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kasten, Keller, Knox, Larson, Mason, McCulloch, Menahan, Mills, L. Nelson, T. Nelson, Orr, Peck, Quilici, Raney, Rehbein, S. Rice, Rose, Russell, Sayles, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Tash, Toole, Tunby, Vogel, Wagner, Wallin, Wanzenried, Whalen, Wiseman, Zook, Mr. Speaker.

Total 64

Noes: Bardanouve, Barnhart, Bergman, Bergsagel, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Endy, Ewer, Feland, Galvin, Gervais, Gilbert, M. Hanson, Harper, Kadas, McCaffree, McCarthy, Molnar, Pavlovich, Peterson, Ream, Ryan, Schwinden, Swanson, Tuss, Winslow, Wyatt.

Total 34

Excused: Grady.

Total 1

Absent or not voting: J. Rice.

Total 1

**SB 72** concurred in as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Daily, Davis, DeBruycker, Dolezal, Dowell, Elliott, Endy, Ewer, Fagg, Feland, Foster, Galvin, Gervais, Gilbert, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, L. Nelson, T. Nelson, Orr, Pavlovich, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich,

Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 89

Noes: Bergsagel, Boharski, Cocchiarella, Driscoll, Fisher, Harrington, Peck, Peterson.  
Total 8

Excused: Grady.  
Total 1

Absent or not voting: Ellis, Molnar.  
Total 2

**SB 73** concurred in as follows:

Ayes: Anderson, Bardanouve, Barnett, Bergman, Boharski, Bohlinger, Brandewie, Brooke, Brown, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Elliott, Endy, Fagg, Feland, Fisher, Foster, Gilbert, Grimes, Grinde, H.S. Hanson, M. Hanson, Harrington, Hayne, Hibbard, R. Johnson, Kasten, Keller, Knox, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, Orr, Pavlovich, Raney, Rehbein, J. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Wagner, Whalen, Winslow, Wiseman, Zook, Mr. Speaker.  
Total 69

Noes: Bachini, Barnhart, Bergsagel, Clark, Driscoll, Ewer, Galvin, Gervais, Harper, Herron, J. Johnson, Kadas, Larson, T. Nelson, Peck, Peterson, Quilici, Ream, S. Rice, Spring, Squires, Tuss, Vogel, Wallin, Wanzenried, Wyatt.  
Total 26

Excused: Grady.  
Total 1

Absent or not voting: Benedict, Bird, Ellis, Hansen.  
Total 4

**SB 78** concurred in as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Zook, Mr. Speaker.



Total 92

Noes: Brooke, Brown, Gilbert, Grimes, Grinde, Wyatt.

Total 6

Excused: Grady.

Total 1

Absent or not voting: Ellis.

Total 1

**SB 98** concurred in as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bird, Bohlinger, Brandewie, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Gilbert, Grimes, Grinde, Hansen, H.S. Hanson, Harper, Harrington, Hayne, J. Johnson, R. Johnson, Kadas, Keller, Knox, Larson, Mason, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Quilici, Raney, Ream, J. Rice, S. Rice, Russell, Ryan, Sayles, Schwinden, Schye, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 81

Noes: Bergman, Bergsagel, Boharski, Cobb, DeBruycker, Feland, M. Hanson, Herron, Hibbard, Kasten, McCaffree, Peterson, Rehbein, Rose, Vogel, Wagner.

Total 16

Excused: Grady.

Total 1

Absent or not voting: Ellis, Simon.

Total 2

**SB 153** concurred in as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Boharski, Bohlinger, Brandewie, Brooke, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Grimes, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, Orr, Pavlovich, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 85

Noes: Bergsagel, Bird, Brown, Clark, Driscoll, Gervais, Gilbert, Grinde, Herron, T. Nelson, Peck, Peterson, Rehbein, Whalen.

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Total 14

Excused: Grady.

Total 1

Absent or not voting: None.

Total 0

**SB 189** concurred in as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Bohlinger, Brandewie, Brooke, Brown, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, L. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 91

Noes: Boharski, Clark, Cobb, Gilbert, Molnar, T. Nelson, J. Rice.

Total 7

Excused: Grady.

Total 1

Absent or not voting: Swanson.

Total 1

**SB 206** concurred in as follows:

Ayes: Anderson, Bachini, Barnett, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brown, Clark, Cobb, DeBruycker, Dolezal, Driscoll, Fagg, Feland, Foster, Galvin, Gervais, Gilbert, Grimes, Grinde, H.S. Hanson, M. Hanson, Harper, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kasten, Keller, Knox, Mason, McCulloch, Mills, L. Nelson, T. Nelson, Orr, Peck, Peterson, Ream, Rehbein, J. Rice, Rose, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stovall, Tash, Tunby, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wyatt, Zook, Mr. Speaker.

Total 66

Noes: Bardanouve, Barnhart, Bergsagel, Brooke, Cocchiarella, Daily, Davis, Dowell, Elliott, Ellis, Endy, Ewer, Fisher, Hansen, Harrington, Kadas, Larson, McCaffree, McCarthy, Menahan, Molnar, Pavlovich, Quilici, Raney, Russell, Ryan, Stanford, Strizich, Swanson, Toole, Tuss, Wiseman.

Total 32

Excused: Grady.

Total 1

Absent or not voting: S. Rice.

Total 1

**SB 215** concurred in as follows:

Ayes: Bardanouve, Barnett, Barnhart, Benedict, Bergman, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Larson, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 89

Noes: Anderson, Bachini, Bergsagel, Bird, Gilbert, Kasten, Mason, Peterson, Rehbein, Spring.

Total 10

Excused: Grady.

Total 1

Absent or not voting: None.

Total 0

**SB 217** concurred in as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Boharski, Bohlinger, Brandewie, Brooke, Clark, Cobb, Cocchiarella, Daily, Davis, Driscoll, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Grimes, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, J. Johnson, R. Johnson, Kadas, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, L. Nelson, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, S. Rice, Rose, Russell, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wallin, Wanzenried, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 76

Noes: Bird, Brown, DeBruycker, Dolezal, Dowell, Elliott, Feland, Gervais, Gilbert, Grinde, Hansen, Herron, Kasten, Keller, Mills, Molnar, T. Nelson, Peterson, J. Rice, Ryan, Wagner, Whalen, Winslow.

Total 23

Excused: Grady.

Total 1

Absent or not voting: None.

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Total 0

**SB 248** concurred in as follows:

Ayes: Bachini, Barnhart, Bergman, Boharski, Bohlinger, Brandewie, Brooke, Brown, Cocchiarella, Daily, Dolezal, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Grimes, H.S. Hanson, Harper, Harrington, Hayne, Hibbard, J. Johnson, Kadas, Knox, McCarthy, McCulloch, Menahan, Mills, Pavlovich, Peck, Quilici, Ream, J. Rice, S. Rice, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Squires, Stanford, Stovall, Strizich, Swanson, Tunby, Wallin, Wanzenried, Winslow, Mr. Speaker.

Total 52

Noes: Anderson, Bardanouve, Barnett, Benedict, Bergsagel, Bird, Clark, Cobb, Davis, DeBruycker, Dowell, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grinde, Hansen, M. Hanson, Herron, R. Johnson, Kasten, Keller, Larson, Mason, McCaffree, Molnar, L. Nelson, T. Nelson, Orr, Peterson, Raney, Rehbein, Rose, Russell, Smith, Spring, Tash, Toole, Tuss, Vogel, Wagner, Whalen, Wiseman, Wyatt, Zook.

Total 47

Excused: Grady.

Total 1

Absent or not voting: None.

Total 0

**SB 260** concurred in as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 97

Noes: DeBruycker, Gilbert.

Total 2

Excused: Grady.

Total 1

Absent or not voting: None.

Total 0

**SB 278** concurred in as follows:



Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 97

Noes: Gilbert.  
Total 1

Excused: Grady.  
Total 1

Absent or not voting: Kasten.  
Total 1

**SB 280** concurred in as follows:

Ayes: Anderson, Bardanouve, Barnett, Barnhart, Benedict, Bird, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Foster, Galvin, Gilbert, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Larson, Mason, McCarthy, McCulloch, Menahan, Mills, Molnar, T. Nelson, Orr, Pavlovich, Quilici, Ream, J. Rice, S. Rice, Rose, Sayles, Schwinden, Schye, Simon, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 78

Noes: Bachini, Bergman, Bergsagel, Boharski, DeBruycker, Feland, Fisher, Gervais, Hayne, Kasten, McCaffree, L. Nelson, Peck, Peterson, Raney, Rehbein, Russell, Ryan, Simpkins, Smith, Spring.  
Total 21

Excused: Grady.  
Total 1

Absent or not voting: None.  
Total 0

**SB 288** concurred in as follows:

Ayes: Anderson, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Endy, Ewer, Fagg, Feland,

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Fisher, Foster, Galvin, Gervais, Grimes, Grinde, H.S. Hanson, M. Hanson, Harper, Harrington, Herron, Hibbard, J. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 87

Noes: Bachini, Bergsagel, DeBruycker, Ellis, Gilbert, Hayne, R. Johnson, Peck, Peterson, Spring.  
Total 10

Excused: Grady.  
Total 1

Absent or not voting: Hansen, Quilici.  
Total 2

**SB 294** concurred in as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Driscoll, Elliott, Ellis, Endy, Fagg, Feland, Fisher, Foster, Gervais, Gilbert, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Swanson, Tash, Toole, Tunby, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 92

Noes: Dowell, Ewer, Galvin, Harper, McCaffree, Strizich, Tuss.  
Total 7

Excused: Grady.  
Total 1

Absent or not voting: None.  
Total 0

**SB 310** concurred in as follows:

Ayes: Anderson, Bachini, Bardanouve, Bergman, Bird, Boharski, Bohlinger, Brooke, Brown, Clark, Cobb, Daily, Davis, Dolezal, Driscoll, Elliott, Endy, Ewer, Fisher, Foster, Galvin, Grimes, H.S. Hanson, M. Hanson, Harrington, Hayne, Hibbard, J. Johnson, R. Johnson, Kasten, Keller, Knox, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, S. Rice, Ryan,

Simpkins, Stanford, Stovall, Swanson, Tash, Wagner, Wallin, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 61

Noes: Barnett, Barnhart, Benedict, Bergsagel, Brandewie, Cocchiarella, DeBruycker, Dowell, Ellis, Fagg, Feland, Gervais, Gilbert, Grinde, Harper, Herron, Kadas, Larson, T. Nelson, Orr, J. Rice, Rose, Russell, Sayles, Schwinden, Schye, Simon, Smith, Spring, Squires, Strizich, Toole, Tunby, Tuss, Vogel, Wanzenried, Whalen.  
Total 37

Excused: Grady.  
Total 1

Absent or not voting: Hansen.  
Total 1

**SB 311** concurred in as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 99

Noes: None.  
Total 0

Excused: Grady.  
Total 1

Absent or not voting: None.  
Total 0

**SB 314** concurred in as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Bohlinger, Brandewie, Brooke, Brown, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Endy, Ewer, Fagg, Feland, Foster, Galvin, Gervais, Grimes, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Pavlovich, Quilici, Raney, Ream, Rehbein, S. Rice, Russell, Ryan, Sayles, Schwinden, Schye, Simon,

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Simpkins, Smith, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 82

Noes: Boharski, Clark, DeBruycker, Ellis, Fisher, Gilbert, Grinde, Hayne, Kasten, Orr, Peck, Peterson, J. Rice, Rose, Spring, Vogel, Wagner.

Total 17

Excused: Grady.

Total 1

Absent or not voting: None.

Total 0

**SB 316** concurred in as follows:

Ayes: Bachini, Barnett, Barnhart, Bergman, Bohlinger, Brandewie, Brooke, Brown, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Grimes, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, Pavlovich, Peck, Quilici, Raney, Ream, S. Rice, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wallin, Wanzenried, Whalen, Winslow, Wyatt, Zook, Mr. Speaker.

Total 77

Noes: Anderson, Benedict, Bergsagel, Bird, Boharski, Clark, DeBruycker, Gilbert, Grinde, Hayne, Herron, T. Nelson, Orr, Peterson, Rehbein, J. Rice, Rose, Smith, Spring, Wagner, Wiseman.

Total 21

Excused: Grady.

Total 1

Absent or not voting: Bardanouve.

Total 1

**SB 323** concurred in as follows:

Ayes: Anderson, Bachini, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Clark, Cobb, DeBruycker, Dolezal, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gilbert, Grimes, Grinde, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Mason, McCarthy, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Ryan, Sayles, Simon, Simpkins, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Vogel, Wagner, Wallin, Wanzenried, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 79



Noes: Bardanouve, Bergsagel, Brown, Cocchiarella, Daily, Davis, Dowell, Driscoll, Gervais, Hansen, Larson, McCaffree, McCulloch, Menahan, Schwinden, Schye, Smith, Tuss, Whalen.

Total 19

Excused: Grady.

Total 1

Absent or not voting: Russell.

Total 1

**SB 329** concurred in as follows:

Ayes: Bachini, Bardanouve, Barnhart, Bird, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Grimes, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, Pavlovich, Peck, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Vogel, Wanzenried, Whalen, Winslow, Wyatt, Mr. Speaker.

Total 78

Noes: Anderson, Barnett, Benedict, Bergsagel, Boharski, DeBruycker, Gilbert, Grinde, Hayne, Keller, T. Nelson, Orr, Peterson, Rehbein, Spring, Tuss, Wagner, Wallin, Wiseman, Zook.

Total 20

Excused: Grady.

Total 1

Absent or not voting: Bergman.

Total 1

**SB 332** concurred in as follows:

Ayes: Bachini, Bardanouve, Boharski, Bohlinger, Brooke, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Endy, Ewer, Fisher, Galvin, Gervais, Hansen, Harper, Harrington, Hibbard, J. Johnson, R. Johnson, Kadas, Larson, McCarthy, McCulloch, Menahan, T. Nelson, Orr, Pavlovich, Peck, Quilici, Raney, Ream, S. Rice, Russell, Sayles, Schwinden, Schye, Simon, Squires, Stanford, Strizich, Swanson, Toole, Tuss, Vogel, Wallin, Wanzenried, Whalen, Wyatt.

Total 52

Noes: Anderson, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Brandewie, Brown, Clark, Cobb, DeBruycker, Ellis, Fagg, Feland, Foster, Gilbert, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Herron, Kasten, Keller, Knox, Mason, McCaffree, Mills, Molnar, L. Nelson, Peterson, Rehbein, J. Rice, Rose, Ryan, Simpkins, Smith, Stovall, Tash, Tunby, Wagner, Winslow, Wiseman, Zook, Mr. Speaker.

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Total 46

Excused: Grady.

Total 1

Absent or not voting: Spring.

Total 1

**SB 339** concurred in as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnhart, Benedict, Bird, Bohlinger, Brandewie, Brooke, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Endy, Ewer, Fisher, Foster, Galvin, Gervais, Grimes, Hansen, H.S. Hanson, Harper, Harrington, Hibbard, J. Johnson, Kadas, Larson, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Pavlovich, Peck, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Smith, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 71

Noes: Barnett, Bergman, Bergsagel, Boharski, Brown, Clark, Cobb, DeBruycker, Ellis, Fagg, Feland, Gilbert, Grinde, M. Hanson, Hayne, Herron, R. Johnson, Kasten, Keller, Knox, Mason, Orr, Peterson, Rehbein, Simpkins, Spring, Vogel, Wagner.

Total 28

Excused: Grady.

Total 1

Absent or not voting: None.

Total 0

**SB 348** concurred in as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Clark, Cobb, Cocchiarella, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCulloch, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 90

Noes: Bergsagel, Brown, Daily, Harrington, McCaffree, McCarthy, Menahan, Quilici, Whalen.

Total 9

Excused: Grady.

Total 1

Absent or not voting: None.

Total 0

**SB 364** not concurred in as follows:

Ayes: Bardanouve, Barnhart, Bohlinger, Brooke, Brown, Cocchiarella, Dolezal, Dowell, Driscoll, Elliott, Ewer, Fisher, Galvin, Gervais, Hansen, Harper, Kadas, Larson, McCaffree, Ream, S. Rice, Ryan, Schwinden, Schye, Simon, Smith, Squires, Stanford, Swanson, Toole, Tuss, Wallin, Wanzenried, Wiseman, Wyatt.

Total 35

Noes: Anderson, Bachini, Barnett, Benedict, Bergman, Bergsagel, Bird, Boharski, Brandewie, Clark, Cobb, Daily, Davis, DeBruycker, Ellis, Endy, Fagg, Feland, Foster, Gilbert, Grimes, Grinde, H.S. Hanson, M. Hanson, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kasten, Keller, Knox, Mason, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Rehbein, J. Rice, Rose, Russell, Sayles, Simpkins, Spring, Stovall, Strizich, Tash, Tunby, Vogel, Wagner, Whalen, Winslow, Zook, Mr. Speaker.

Total 64

Excused: Grady.

Total 1

Absent or not voting: None.

Total 0

**SB 370** concurred in as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Grimes, Hansen, H.S. Hanson, M. Hanson, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 91

Noes: Bergsagel, Cobb, Gilbert, Grinde, Harper, Rehbein, Rose, Smith.

Total 8

Excused: Grady.

Total 1

Absent or not voting: None.

Total 0

**SB 392** concurred in as follows:

Ayes: Anderson, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Grimes, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, Orr, Pavlovich, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 87

Noes: Bachini, Bergsagel, DeBruycker, Feland, Gilbert, Grinde, Hayne, T. Nelson, Peck, Spring, Whalen.

Total 11

Excused: Grady.

Total 1

Absent or not voting: Squires.

Total 1

**SB 408** concurred in as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 97

Noes: None.

Total 0

Excused: Grady.

Total 1

Absent or not voting: Molnar, Squires.

Total 2



**SB 412** concurred in as follows:

Ayes: Anderson, Bachini, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Ellis, Endy, Ewer, Fagg, Feland, Foster, Gervais, Gilbert, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harrington, Hayne, Herron, Hibbard, J. Johnson, Kadas, Keller, Knox, Larson, Mason, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Vogel, Wagner, Wallin, Wanzenried, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 83

Noes: Bardanouve, Bergsagel, Cobb, Elliott, Fisher, Galvin, Harper, R. Johnson, Kasten, McCaffree, Peck, Peterson, Ryan, Squires, Tuss, Whalen.  
Total 16

Excused: Grady.  
Total 1

Absent or not voting: None.  
Total 0

**SB 425** concurred in as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Gilbert, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Russell, Ryan, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 92

Noes: Bergsagel, DeBruycker, Feland, McCaffree, Rehbein, Rose, Sayles.  
Total 7

Excused: Grady.  
Total 1

Absent or not voting: None.  
Total 0

**SJR 15** concurred in as follows:

Ayes: Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bird, Bohlinger, Brandewie, Brooke, Brown, Cobb, Cocchiarella, Daily, Davis, Dolezal,

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Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Grimes, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Quilici, Raney, Ream, J. Rice, S. Rice, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 84

Noes: Anderson, Bergman, Bergsagel, Boharski, Clark, DeBruycker, Feland, Gilbert, Grinde, R. Johnson, Molnar, Peterson, Rehbein, Rose, Vogel.  
Total 15

Excused: Grady.  
Total 1

Absent or not voting: None.  
Total 0

**HB 689** passed as follows:

Ayes: Anderson, Bachini, Barnett, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brooke, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Gervais, Gilbert, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Spring, Squires, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 89

Noes: Bardanouve, Barnhart, Brandewie, Brown, Dowell, Galvin, McCaffree, Smith, Stanford, Tuss.  
Total 10

Excused: Grady.  
Total 1

Absent or not voting: None.  
Total 0

**HB 690** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grimes, Grinde, H.S. Hanson, M. Hanson, Harrington, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree,

McCarthy, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Peck, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 87

Noes: Bergman, Cocchiarella, Daily, Harper, Hayne, McCulloch, Pavlovich, Peterson, Squires, Stanford.

Total 10

Excused: Grady.

Total 1

Absent or not voting: Hansen, Rose.

Total 2

**HB 691** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Grimes, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Wagner, Wallin, Wanzenried, Whalen, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 87

Noes: Boharski, Cocchiarella, DeBruycker, Feland, Gilbert, Grinde, McCaffree, Peck, Ryan, Stanford, Vogel, Winslow.

Total 12

Excused: Grady.

Total 1

Absent or not voting: None.

Total 0

**HJR 25** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Daily, Davis, Dolezal, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Gilbert, Grimes, Hansen, H.S. Hanson, M. Hanson, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCarthy, McCulloch, Menahan, Mills, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Stanford,

Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 83

Noes: Barnhart, Bergsagel, Cocchiarella, DeBruycker, Dowell, Driscoll, Feland, Grinde, Harper, McCaffree, Molnar, L. Nelson, Ream, Rehbein, Spring, Squires.  
Total 16

Excused: Grady.  
Total 1

Absent or not voting: None.  
Total 0

**HJR 26** passed as follows:

Ayes: Anderson, Bachini, Bardanoue, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 99

Noes: None.  
Total 0

Excused: Grady.  
Total 1

Absent or not voting: None.  
Total 0

**SB 71** concurred in as follows:

Ayes: Anderson, Bachini, Bardanoue, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Fagg, Feland, Fisher, Foster, Gilbert, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harrington, Hayne, Herron, Hibbard, J. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCulloch, Mills, Molnar, L. Nelson, T. Nelson, Orr, Peck, Peterson, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby,



Tuss, Vogel, Wagner, Wallin, Wanzenried, Winslow, Wiseman, Wyatt, Zook,  
Mr. Speaker.  
Total 84

Noes: Cocchiarella, Daily, Endy, Ewer, Galvin, Gervais, Harper, R. Johnson,  
McCaffree, McCarthy, Menahan, Pavlovich, Quilici, Squires, Whalen.  
Total 15

Excused: Grady.  
Total 1

Absent or not voting: None.  
Total 0

**SB 77** concurred in as follows:

Ayes: Anderson, Bachini, Barnett, Barnhart, Benedict, Bergman, Bird,  
Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella,  
Daily, Davis, Dolezal, Dowell, Driscoll, Ellis, Endy, Ewer, Fagg, Fisher,  
Foster, Galvin, Gervais, Grimes, H.S. Hanson, M. Hanson, Harrington,  
Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox,  
Larson, Mason, McCarthy, McCulloch, Menahan, Mills, T. Nelson, Orr,  
Pavlovich, Peck, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Rose,  
Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Spring,  
Squires, Stanford, Stovall, Swanson, Tash, Toole, Tunby, Tuss, Vogel,  
Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr.  
Speaker.  
Total 83

Noes: Bardanouve, Bergsagel, DeBruycker, Elliott, Feland, Gilbert, Grinde,  
Harper, Kasten, McCaffree, Molnar, L. Nelson, Rehbein, Smith, Strizich.  
Total 15

Excused: Grady.  
Total 1

Absent or not voting: Hansen.  
Total 1

**SB 94** concurred in as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Benedict, Bergman, Bird,  
Boharski, Bohlinger, Brandewie, Clark, Cobb, DeBruycker, Elliott, Ellis,  
Fagg, Feland, Fisher, Foster, Gilbert, Grimes, Grinde, Hansen, H.S.  
Hanson, M. Hanson, Hayne, Herron, Hibbard, J. Johnson, R. Johnson,  
Kadas, Kasten, Keller, Knox, Mason, Mills, Molnar, L. Nelson, T. Nelson,  
Orr, Peck, Peterson, Ream, J. Rice, S. Rice, Rose, Sayles, Schwinden,  
Schye, Simon, Simpkins, Smith, Spring, Stovall, Swanson, Tash, Toole,  
Tunby, Vogel, Wagner, Wallin, Winslow, Wiseman, Zook, Mr. Speaker.  
Total 65

Noes: Barnhart, Bergsagel, Brooke, Brown, Cocchiarella, Daily, Davis,  
Dolezal, Dowell, Driscoll, Endy, Ewer, Galvin, Gervais, Harper, Harrington,

Larson, McCaffree, McCarthy, McCulloch, Menahan, Pavlovich, Quilici, Raney, Rehbein, Russell, Ryan, Squires, Stanford, Strizich, Tuss, Wanzenried, Whalen, Wyatt.

Total 34

Excused: Grady.

Total 1

Absent or not voting: None.

Total 0

**SB 119** concurred in as follows:

Ayes: Anderson, Bardanouve, Barnett, Barnhart, Bergman, Bird, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Pavlovich, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 87

Noes: Bachini, Benedict, Bergsagel, Boharski, DeBruycker, McCaffree, Orr, Peck, Peterson, Simon, Vogel, Wagner.

Total 12

Excused: Grady.

Total 1

Absent or not voting: None.

Total 0

**SB 285** concurred in as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Foster, Galvin, Gervais, Gilbert, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 87

Noes: Bergsagel, DeBruycker, Feland, Fisher, Hayne, Kasten, Keller, T. Nelson, Peterson, Spring, Vogel.

Total 11

Excused: Grady.

Total 1

Absent or not voting: Ryan.

Total 1

**SB 292** concurred in as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Foster, Galvin, Gervais, Grimes, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Zook, Mr. Speaker.

Total 90

Noes: Bergsagel, DeBruycker, Feland, Gilbert, Grinde, McCaffree, Rehbein, Wyatt.

Total 8

Excused: Grady.

Total 1

Absent or not voting: Fisher.

Total 1

**SB 318** concurred in as follows:

Ayes: Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bohlinger, Brandewie, Brooke, Brown, Clark, Cocchiarella, Davis, Dolezal, Dowell, Driscoll, Elliott, Endy, Ewer, Fagg, Galvin, Gervais, Grimes, Grinde, Hansen, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, Orr, Pavlovich, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Wallin, Wanzenried, Whalen, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 73

Noes: Anderson, Bachini, Bergsagel, Bird, Boharski, Cobb, Daily, DeBruycker, Ellis, Feland, Fisher, Foster, Gilbert, H.S. Hanson, M. Hanson, Kasten, Keller, T. Nelson, Peck, Peterson, Rehbein, Spring, Vogel, Wagner, Winslow.

Total 25

April 1, 1993

Excused: Grady.

Total 1

Absent or not voting: Smith.

Total 1

**SB 417** concurred in as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 93

Noes: Bergsagel, Cocchiarella, Feland, Gilbert, Rose.

Total 5

Excused: Grady.

Total 1

Absent or not voting: Ellis.

Total 1

### MOTIONS

Representative Grady present at this time.

Representative McCulloch moved SB 338 be taken from the table in the Committee on Natural Resources, printed, and placed on second reading this legislative day.

Representative H. S. Hanson moved for previous question. Motion carried.

Thereupon, Representative McCulloch's motion failed as follows:

Ayes: Bachini, Bardanouve, Barnhart, Bohlinger, Brooke, Cocchiarella, Davis, Dolezal, Dowell, Elliott, Ewer, Foster, Galvin, Gervais, Grimes, Hansen, Harper, Harrington, J. Johnson, Kadas, Larson, McCaffree, McCulloch, Menahan, L. Nelson, Peck, Quilici, Raney, Ream, S. Rice, Russell, Ryan, Schwinden, Schye, Squires, Stanford, Strizich, Swanson, Toole, Tunby, Tuss, Wanzenried, Whalen, Winslow, Wiseman, Wyatt.

Total 46

Noes: Anderson, Barnett, Benedict, Bergman, Bergsagel, Bird, Boharski, Brandewie, Brown, Clark, Cobb, Daily, DeBruycker, Driscoll, Ellis, Endy,



Fagg, Feland, Fisher, Gilbert, Grady, Grinde, H.S. Hanson, M. Hanson, Hayne, Herron, Hibbard, R. Johnson, Kasten, Keller, Knox, Mason, McCarthy, Mills, Molnar, T. Nelson, Orr, Pavlovich, Peterson, Rehbein, J. Rice, Rose, Sayles, Simon, Simpkins, Smith, Spring, Stovall, Tash, Vogel, Wagner, Wallin, Zook, Mr. Speaker.

Total 54

Excused: None.

Total 0

Absent or not voting: None.

Total 0

### REPORTS OF STANDING COMMITTEES

BILLS (Hayne, Chairman): 4/1/93

Correctly enrolled: HB 19, HB 21, HB 64, HB 102, HB 107, HB 118, HB 148, HB 158, HB 237, HB 338, HB 342, HB 344, HB 428, HB 441, HB 488, HB 489, HB 491, HB 506, HB 543, HB 594, HB 596, HB 633, HB 646, HB 658, HJR 4, HJR 22.

Signed by the Speaker at 5:00 p.m., 3/31/93: HB 64, HB 107, HB 148, HB 237, HB 342, HB 344, HB 428, HB 441, HB 488, HB 489, HB 491, HB 506, HB 543, HB 596, HB 646, HJR 22.

TAXATION (Gilbert, Chairman): 4/1/93

**SB 396**, third reading copy, be concurred in. Report adopted.

**SB 429**, third reading copy, be concurred in. Report adopted.

### ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Representative Grinde moved the House adjourn until 1:30 p.m., Friday, April 2, 1993. Motion carried.

House adjourned at 12:09 p.m.

John Mercer, Speaker

Marilyn Miller, Chief Clerk

## SEVENTY-FOURTH LEGISLATIVE DAY

Helena, Montana  
April 2, 1993

House Chambers  
State Capitol

House convened at 1:30 p.m. Mr. Speaker in the Chair. Invocation by Representative Hayne. Pledge of Allegiance to the Flag.

Roll call. All members present except Benedict, Larson, excused. Quorum present.

Mr. Speaker: We, your committee on Legislative Administration/Bills and Journal, having examined the daily journals for the seventieth and seventy-first legislative days, find the same to be correct.

Harriet Hayne, Chairman

### REPORTS OF STANDING COMMITTEES

BILLS (Hayne, Chairman): 4/2/93  
Correctly engrossed for third reading: SB 72, SB 417.  
Correctly enrolled: HB 408. 4/1/93  
Signed by the Speaker at 2:00 p.m., 4/1/93: HB 408.  
Signed by the Speaker at 11:00 a.m., 4/2/93: HB 19, HB 21, HB 102, HB 118, HB 158, HB 338, HB 594, HB 633, HB 658, HJR 4, SB 51, SB 120, SB 121, SB 138, SB 139, SB 150, SB 163, SB 164, SB 166, SB 218, SB 228.  
Delivered to the Secretary of State at 2:30 p.m., 4/2/93: HJR 10, HJR 11, HJR 12, HJR 16, HJR 20, HJR 22, HJR 23.

JUDICIARY (Fagg, Chairman): 4/2/93  
**HJR 28**, introduced bill, do pass. Report adopted.

### MESSAGES FROM THE SENATE

House bills indefinitely postponed and returned to the House: 3/31/93

**HB 94**, introduced by Harper  
**HB 468**, introduced by J. Rice

House bills concurred in and returned to the House: 4/1/93

**HB 97**, introduced by Quilici  
**HB 278**, introduced by Bardanouve  
**HB 315**, introduced by Simon  
**HB 357**, introduced by Fagg  
**HB 394**, introduced by Benedict  
**HB 411**, introduced by R. Johnson  
**HB 423**, introduced by Gilbert  
**HB 448**, introduced by Orr  
**HB 454**, introduced by Vogel  
**HB 474**, introduced by Peterson  
**HB 512**, introduced by Gilbert  
**HB 549**, introduced by Peterson  
**HB 571**, introduced by Brown  
**HB 592**, introduced by Grimes  
**HB 609**, introduced by Wanzenried

House bills concurred in as amended and returned to the House for concurrence in Senate amendments: 4/1/93

**HB 121**, introduced by Fagg  
**HB 157**, introduced by Vogel  
**HB 216**, introduced by Grady  
**HB 220**, introduced by Simon  
**HB 233**, introduced by Benedict  
**HB 301**, introduced by Wyatt  
**HB 308**, introduced by Kasten  
**HB 318**, introduced by S. Rice  
**HB 335**, introduced by Toole  
**HB 346**, introduced by Benedict  
**HB 367**, introduced by Wyatt  
**HB 374**, introduced by Ewer  
**HB 375**, introduced by Brandewie  
**HB 405**, introduced by Fisher  
**HB 416**, introduced by Strizich  
**HB 419**, introduced by Grady  
**HB 422**, introduced by Larson  
**HB 442**, introduced by Knox  
**HB 482**, introduced by Bohlinger  
**HB 525**, introduced by J. Rice  
**HB 532**, introduced by Tunby  
**HB 537**, introduced by Bardanouve  
**HB 548**, introduced by Strizich  
**HB 567**, introduced by Foster  
**HJR 14**, introduced by Wagner  
**HJR 15**, introduced by Bardanouve

**HB 319**, introduced by Kadas, requiring adoption by an affirmative roll call vote of two-thirds of all the members of the Legislature, passed the Senate and was transmitted on 4/1/93 to the House for concurrence in Senate amendments with the following vote: (22-26).

#### MESSAGES FROM THE GOVERNOR

The Honorable John Mercer  
Speaker of the House  
State Capitol  
Helena, Montana 59620

March 31, 1993

Dear Representative Mercer:

Please be informed that I have signed House Bill 577 on March 31, 1993.

Sincerely,

MARC RACICOT  
Governor

April 2, 1993

The Honorable Fred Van Valkenburg  
President of the Senate  
State Capitol  
Helena MT 59620

March 31, 1993

The Honorable John Mercer  
Speaker of the House  
State Capitol  
Helena MT 59620

Dear President Van Valkenburg and Speaker Mercer:

In accordance with the power vested in me as Governor by the Constitution and laws of the State of Montana, I hereby return House Bill 372, "AN ACT AUTHORIZING COUNTIES TO ISSUE SMALL DENOMINATION GENERAL OBLIGATION BONDS TO BE KNOWN AS "CITIZEN BONDS"; AND AMENDING SECTIONS 7-7-103, 7-7-2209, 7-7-2238, 7-7-2251, 7-7-2261, AND 7-7-2265, MCA," with the attached amendments.

The intent of House Bill 372 was to provide counties with the immediate authority to issue citizen bonds. However, an immediate effective date was inadvertently left out of the bill.

Representative Sheila Rice, the sponsor of House Bill 372, has requested that I return the bill with an amendment that would provide that the bill take effect upon passage and approval.

Sincerely,

MARC RACICOT  
Governor

GOVERNOR'S AMENDMENTS  
TO HOUSE BILL 372

1. Title, line 6.  
Strike: "AND"

2. Title, line 7.  
Following: "MCA"  
Insert: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

3. Page 10, line 20.  
Following: line 19  
Insert: "NEW SECTION. Section 12. Effective date. [This act] is effective on passage and approval."

The Honorable John Mercer  
Speaker of the House  
State Capitol  
Helena, Montana 59620

April 1, 1993



1860

HOUSE JOURNAL  
REGULAR SESSION

Dear Representative Mercer:

Please be informed that I have signed House Bills 337 and 534 on April 1, 1993.

Sincerely,

MARC RACICOT  
Governor

The Honorable Fred Van Valkenburg  
President of the Senate  
State Capitol  
Helena MT 59620

April 1, 1993

The Honorable John Mercer  
Speaker of the House  
State Capitol  
Helena MT 59620

Dear President Van Valkenburg and Speaker Mercer:

In accordance with the power vested in me as Governor by the Constitution and laws of the State of Montana, I hereby return House Bill 327, "AN ACT CLARIFYING THAT THE \$5 MINIMUM PROPERTY TAX APPLIES TO ALL REAL AND PERSONAL PROPERTY TAXES; CLARIFYING THAT THE EXCESS IS TO BE DEPOSITED IN THE COUNTY GENERAL FUND; PROVIDING THAT MINIMUM ASSESSMENT PAYMENTS DO NOT APPLY TO GOVERNMENTAL ENTITIES UNLESS THE TOTAL OF LEVIED AMOUNTS IS LESS THAN \$5; AMENDING SECTION 15-16-118, MCA; AND PROVIDING AN APPLICABILITY DATE," with the attached amendments.

A typographical error in section one of House Bill 327 leaves the first sentence of that section unclear. The section intended that a minimum property tax be imposed if a tax notice of taxes and special assessments due on personal property is less than five dollars. The word "if" has incorrectly been typed "of."

Representative McCaffree is in agreement that the bill be returned with an amendment that would correct this error.

Sincerely,

MARC RACICOT  
Governor

GOVERNOR'S AMENDMENTS  
TO HOUSE BILL 327

1. Page 1, line 18.  
Strike: "of"  
Insert: "if"

The Honorable Fred Van Valkenburg  
President of the Senate  
State Capitol  
Helena MT 59620

April 1, 1993

The Honorable John Mercer  
Speaker of the House  
State Capitol  
Helena MT 59620

Dear President Van Valkenburg and Speaker Mercer:

In accordance with the power vested in me as Governor by the Constitution and laws of the State of Montana, I hereby return Senate Bill 192, "AN ACT DIRECTING THE PUBLIC EMPLOYEES' RETIREMENT BOARD TO ~~MAXIMIZE THE RETIREMENT BENEFITS OF THE MEMBERS AND BENEFICIARIES OF EACH SYSTEM THAT THE BOARD ADMINISTERS REVIEW BENEFITS PAID BY THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM AND TO RECOMMEND COST-OF-LIVING ADJUSTMENTS TO THE~~ LEGISLATURE; AND AMENDING SECTION SECTIONS 19-3-304, 19-5-201, 19-6-201, 19-7-201, 19-8-201, 19-9-201, 19-12-210, AND 19-13-202, MCA," with the attached amendments.

Senate Bill 192 was amended to direct the Public Employees' Retirement Board to review benefits paid by not only the Public Employees' Retirement System, but also all other public retirement systems. However, the bill's title was not changed to reflect those amendments.

Senator Waterman, the bill's sponsor agrees that this amendment correctly reflects what Senate Bill No. 192 is meant to accomplish.

Sincerely,

MARC RACICOT  
Governor

GOVERNOR'S AMENDMENTS  
TO SENATE BILL 192

1. Title, line 7.

Strike: "THE"

2. Title, line 8.

Strike: "EMPLOYEES"

3. Title, line 8.

Strike: "SYSTEM"

Insert: "SYSTEMS"

**FIRST READING AND COMMITMENT  
OF BILLS AND RESOLUTIONS**

The following House Joint Resolution was introduced, read first time, and referred to committee:

**HJR 29**, introduced by Dolezal, Christiaens, Bianchi, Franklin, Wilson, Doherty, Swysgood, Toews, Peck, Kadas, Wiseman, Galvin, Ryan, Wyatt, Strizich, S. Rice, referred to Committee on Education and Cultural Resources

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Schwinden in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**SB 396** - Representative Driscoll moved SB 396 be concurred in. Motion carried as follows:

Ayes: Bardanouve, Barnhart, Bergman, Bohlinger, Brown, Clark, Daily, Davis, DeBruycker, Driscoll, Ewer, Fagg, Galvin, Gervais, Grady, Grimes, Grinde, Harper, Harrington, Hibbard, R. Johnson, Kadas, Larson, McCaffree, McCarthy, McCulloch, Menahan, Mills, T. Nelson, Pavlovich, Guilici, Raney, J. Rice, Russell, Schye, Simon, Simpkins, Stanford, Stovall, Strizich, Swanson, Toole, Tunby, Tuss, Vogel, Wallin, Winslow, Wiseman, Zook.

Total 49

Noes: Anderson, Bachini, Barnett, Bergsagel, Bird, Boharski, Brandewie, Brooke, Cobb, Cocchiarella, Dolezal, Dowell, Elliott, Ellis, Endy, Feland, Fisher, Foster, Gilbert, Hansen, H.S. Hanson, M. Hanson, Hayne, Herron, J. Johnson, Kasten, Keller, Knox, Mason, Molnar, L. Nelson, Orr, Peck, Peterson, Ream, Rehbein, S. Rice, Rose, Ryan, Sayles, Smith, Spring, Squires, Tash, Wagner, Wanzenried, Wyatt, Mr. Speaker.

Total 48

Voted Absentee: Larson, Aye.

Excused: Benedict.

Total 1

Absent or not voting: Schwinden, Whalen.

Total 2

**SB 429** - Representative Feland moved SB 429 be concurred in. Motion carried as follows:

April 2, 1993

Ayes: Anderson, Barnett, Barnhart, Benedict, Bergman, Boharski, Bohlinger, Brandewie, Brown, Clark, Cobb, DeBruycker, Dolezal, Feland, Foster, Gervais, Gilbert, Grady, Grimes, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, Kasten, Keller, Knox, Larson, Mason, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Peterson, Raney, Rehbein, J. Rice, Rose, Russell, Sayles, Simon, Simpkins, Smith, Spring, Stovall, Tash, Tunby, Tuss, Vogel, Wagner, Wallin, Winslow, Mr. Speaker.

Total 59

Noes: Bachini, Bardanouve, Bergsagel, Brooke, Cocchiarella, Daily, Davis, Dowell, Driscoll, Elliott, Endy, Fagg, Fisher, Galvin, Grinde, J. Johnson, R. Johnson, Kadas, McCaffree, McCarthy, Pavlovich, Peck, Quilici, Ream, S. Rice, Ryan, Schye, Squires, Stanford, Strizich, Swanson, Toole, Wanzenried, Wyatt, Zook.

Total 35

Voted Absentee: Benedict, Larson, Ayes.

Excused: None.

Total 0

Absent or not voting: Bird, Ellis, Ewer, Schwinden, Whalen, Wiseman.

Total 6

**HB 168** - Representative Rehbein moved consideration of Senate amendments to HB 168 be passed for the day. Motion carried.

**HB 365** - Representative Rose moved Senate amendments to HB 365 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, DeBruycker, Dolezal, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schye, Simon, Simpkins, Smith, Spring, Squires, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wyatt, Mr. Speaker.

Total 89

Noes: Bardanouve, Bird, Davis, Dowell, Stanford, Tuss.

Total 6

Voted Absentee: Larson, Aye.

Excused: Benedict.

Total 1

Absent or not voting: Gilbert, Schwinden, Wiseman, Zook.



Total 4

**HB 433** - Representative Ellis moved Senate amendments to HB 433 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Bird, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Driscoll, Ellis, Endy, Fagg, Feland, Foster, Gervais, Gilbert, Grady, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, J. Johnson, Kadas, Keller, Knox, McCarthy, McCulloch, Menahan, Mills, Molnar, Pavlovich, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Wallin, Whalen, Winslow, Wiseman, Wyatt, Mr. Speaker.

Total 68

Noes: Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brandewie, Dowell, Elliott, Ewer, Fisher, Galvin, Grimes, Herron, R. Johnson, Kasten, Mason, McCaffree, L. Nelson, T. Nelson, Orr, Peck, Peterson, Russell, Stanford, Tuss, Vogel, Wagner, Wanzenried.

Total 28

Excused: Benedict, Larson.

Total 2

Absent or not voting: Cobb, Zook.

Total 2

**HB 449** - Representative Brooke moved Senate amendments to HB 449 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 97

Noes: None.

Total 0

Excused: Benedict, Larson.

Total 2

Absent or not voting: Hibbard.

Total 1

**HB 485** - Representative Grady moved Senate amendments to HB 485 be concurred in. Motion carried as follows:

Ayes: Anderson, Bardanouve, Barnett, Barnhart, Bergman, Bird, Boharski, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, Orr, Pavlovich, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Zook, Mr. Speaker.  
Total 87

Noes: Bachini, Bergsagel, Bohlinger, Feland, Gilbert, T. Nelson, Peck, Rehbein, Smith, Wagner, Wyatt.  
Total 11

Excused: Benedict, Larson.  
Total 2

Absent or not voting: None.  
Total 0

**HB 617** - Representative Grady moved Senate amendments to HB 617 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 98

Noes: None.  
Total 0

Excused: Benedict, Larson.  
Total 2

Absent or not voting: None.  
Total 0

**HB 564** - Representative Bergsagel moved Senate amendments to HB 564 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Bergsagel, Bohlinger, Brandewie, Brooke, Brown, Clark, Daily, Davis, DeBruycker, Dolezal, Dowell, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Foster, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Mason, McCaffree, McCarthy, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Wagner, Wallin, Wanzenried, Whalen, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 81

Noes: Bird, Boharski, Cobb, Cocchiarella, Driscoll, Fisher, Galvin, Gervais, Herron, McCulloch, Menahan, Peck, Russell, Vogel, Winslow.  
Total 15

Excused: Benedict, Larson.  
Total 2

Absent or not voting: Bergman, Mills.  
Total 2

**HB 128** - Representative Brown moved Senate amendments to HB 128 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Bergman, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 95

Noes: Bergsagel, Bird, Gilbert.  
Total 3

Voted Absentee: Larson, Aye.

Excused: Benedict.  
Total 1

Absent or not voting: Ream.  
Total 1

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**HB 221** - Representative Schye moved Senate amendments to HB 221 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Bergman, Bohlinger, Brandewie, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Grady, Grimes, Grinde, M. Hanson, Harper, Harrington, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 86

Noes: Bergsagel, Bird, Boharski, Cobb, DeBruycker, Gilbert, H.S. Hanson, Hayne, Herron, Molnar, Smith, Wagner.

Total 12

Voted Absentee: Larson, Aye.

Excused: Benedict.

Total 1

Absent or not voting: Hansen.

Total 1

**HB 245** - Representative Kadas moved Senate amendments to HB 245 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnhart, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Gervais, Gilbert, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, Kadas, Kasten, Keller, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Pavlovich, Peck, Quilici, Raney, Ream, J. Rice, S. Rice, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 87

Noes: Barnett, DeBruycker, Feland, Galvin, R. Johnson, Knox, Orr, Peterson, Rehbein, Rose, Simpkins.

Total 11

Voted Absentee: Larson, Aye.

Excused: Benedict.

Total 1



Absent or not voting: Hansen.

Total 1

**HB 530** - Representative Spring moved Senate amendments to HB 530 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brooke, Brown, Clark, Cobb, Daily, Davis, DeBruycker, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gilbert, Grady, Grimes, Grinde, H.S. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kasten, Keller, Knox, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Ream, Rehbein, J. Rice, S. Rice, Rose, Schwinden, Schye, Simpkins, Smith, Spring, Stovall, Strizich, Swanson, Tash, Tunby, Vogel, Wagner, Wallin, Wanzenried, Winslow, Wiseman, Zook.

Total 76

Noes: Barnhart, Brandewie, Cocchiarella, Dolezal, Dowell, Driscoll, Gervais, Hansen, M. Hanson, Kadas, Larson, Raney, Russell, Ryan, Sayles, Simon, Squires, Stanford, Toole, Tuss, Whalen, Wyatt, Mr. Speaker.

Total 23

Voted Absentee: Larson, No.

Excused: Benedict.

Total 1

Absent or not voting: None.

Total 0

Representative Grinde moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman Schwinden moved the adoption of the committee report. Report adopted. (92-5)

### THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 27**, Senate amendments, concurred in as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring,

Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 100

Noes: None.  
Total 0

Voted Absentee: Benedict, Larson, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 67**, Senate amendments, concurred in as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 100

Noes: None.  
Total 0

Voted Absentee: Benedict, Larson, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 124**, Senate amendments, concurred in as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gilbert, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, T. Nelson, Orr, Pavlovich, Peck, Quilici, Raney,

Ream, Rehbein, J. Rice, S. Rice, Russell, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 87

Noes: DeBruycker, Feland, Gervais, Hansen, Herron, Kasten, L. Nelson, Peterson, Rose, Ryan, Spring.

Total 11

Voted Absentee: Benedict, Aye.

Excused: Larson.

Total 1

Absent or not voting: Dowell.

Total 1

**HB 134**, Senate amendments, concurred in as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 98

Noes: Kasten.

Total 1

Voted Absentee: Benedict, Larson, Ayes.

Excused: None.

Total 0

Absent or not voting: Hayne.

Total 1

**HB 139**, Senate amendments, concurred in as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brown, Clark, Cobb, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kasten, Keller, Knox, Larson, Mason,

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McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peterson, Quilici, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Simon, Simpkins, Smith, Spring, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 89

Noes: Brooke, Cocchiarella, Gilbert, Harper, Kadas, Peck, Raney, Schwinden, Schye, Tuss.

Total 10

Voted Absentee: Benedict, Larson, Ayes.

Excused: None.

Total 0

Absent or not voting: Squires.

Total 1

**HB 149**, Senate amendments, concurred in as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 99

Noes: None.

Total 0

Voted Absentee: Benedict, Larson, Ayes.

Excused: None.

Total 0

Absent or not voting: Ellis.

Total 1

**HB 151**, Senate amendments, concurred in as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin,



Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Ream, Rehbein, J. Rice, S. Rice, Rose, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 95

Noes: Gervais, Molnar, Raney, Russell, Tuss.

Total 5

Voted Absentee: Benedict, Larson, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 170**, Senate amendments, concurred in as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peterson, Quilici, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 95

Noes: Bergsagel, Peck, Raney.

Total 3

Voted Absentee: Benedict, Larson, Ayes.

Excused: None.

Total 0

Absent or not voting: Clark, Menahan.

Total 2

**HB 201**, Senate amendments, concurred in as follows:

Ayes: Anderson, Bachini, Barnett, Barnhart, Benedict, Bergman, Bird, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer,

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Fagg, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 92

Noes: Bardanouve, Bergsagel, Boharski, Feland, Herron, Peck, Peterson, Whalen.

Total 8

Voted Absentee: Benedict, Larson, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 255**, Senate amendments, concurred in as follows:

Ayes: Anderson, Bardanouve, Barnett, Bergman, Bird, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCarthy, McCulloch, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Quilici, Raney, Ream, J. Rice, S. Rice, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Tunby, Tuss, Vogel, Wagner, Wallin, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 81

Noes: Bachini, Barnhart, Benedict, Bergsagel, Boharski, Bohlinger, DeBruycker, Dowell, McCaffree, McCulloch, Menahan, Peck, Peterson, Rehbein, Rose, Smith, Toole, Wanzenried.

Total 18

Voted Absentee: Larson, Aye; Benedict, No.

Excused: None.

Total 0

Absent or not voting: Harrington.

Total 1

**HB 281**, Senate amendments, concurred in as follows:

Ayes: Anderson, Bardanouve, Barnett, Benedict, Bergman, Bird, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Driscoll, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Larson, Mason, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Pavlovich, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wallin, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 82

Noes: Bachini, Barnhart, Bergsagel, Boharski, Dowell, Elliott, Feland, Herron, Kasten, McCaffree, Orr, Peck, Peterson, Rehbein, Sayles, Wagner, Wanzenried.  
Total 17

Voted Absentee: Benedict, Larson, Ayes.

Excused: None.  
Total 0

Absent or not voting: Hansen.  
Total 1

**HB 294**, Senate amendments, concurred in as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 94

Noes: Bergsagel, Feland, Kasten, L. Nelson, Rehbein.  
Total 5

Voted Absentee: Benedict, Larson, Ayes.

Excused: None.  
Total 0

Absent or not voting: Ellis.  
Total 1

**HB 339**, Senate amendments, concurred in as follows:

April 2, 1993

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kasten, Keller, Knox, Larson, Mason, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Zook, Mr. Speaker.

Total 91

Noes: Bergsagel, Clark, Harper, Kadas, McCaffree, Peck, Peterson, Sayles, Wyatt.

Total 9

Voted Absentee: Benedict, Larson, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 358**, Senate amendments, concurred in as follows:

Ayes: Anderson, Bachini, Barnett, Barnhart, Benedict, Bergman, Boharski, Bohlinger, Brandewie, Brooke, Clark, Cobb, Cocchiarella, DeBruycker, Dowell, Driscoll, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gilbert, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, J. Johnson, R. Johnson, Kasten, Keller, Knox, Mason, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peterson, Quilici, Raney, Rehbein, J. Rice, S. Rice, Rose, Sayles, Schye, Simon, Simpkins, Spring, Squires, Stanford, Stovall, Swanson, Tash, Toole, Tunby, Vogel, Wagner, Wallin, Wanzenried, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 77

Noes: Bardanouve, Bergsagel, Bird, Brown, Daily, Davis, Dolezal, Elliott, Gervais, Hansen, Herron, Kadas, Larson, McCaffree, Peck, Ream, Russell, Ryan, Schwinden, Smith, Strizich, Tuss, Whalen.

Total 23

Voted Absentee: Benedict, Aye; Larson, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0



**HB 410**, Senate amendments, concurred in as follows:

Ayes: Anderson, Bachini, Barnett, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brown, Clark, Cobb, Daily, Davis, DeBruycker, Driscoll, Ellis, Endy, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kasten, Keller, Knox, Mason, McCarthy, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Rehbein, J. Rice, Rose, Ryan, Sayles, Simon, Simpkins, Smith, Spring, Stovall, Tash, Tunby, Vogel, Wagner, Wallin, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 73

Noes: Bardanouve, Barnhart, Brooke, Cocchiarella, Dolezal, Dowell, Elliott, Ewer, Hansen, Harper, Kadas, Larson, McCaffree, McCulloch, Raney, Ream, S. Rice, Russell, Schwinden, Schye, Squires, Stanford, Strizich, Swanson, Toole, Tuss, Wanzenried.  
Total 27

Voted Absentee: Benedict, Aye; Larson, No.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 431**, Senate amendments, concurred in as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Orr, Pavlovich, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 92

Noes: Bergsagel, Kasten, Knox, Molnar, L. Nelson, T. Nelson, Peck, Rehbein.  
Total 8

Voted Absentee: Benedict, Larson, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

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**HB 445**, Senate amendments, concurred in as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Grimes, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Vogel, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Mr. Speaker.

Total 84

Noes: Bergsagel, Clark, DeBruycker, Elliott, Gilbert, Grady, Grinde, Hayne, Keller, Knox, Orr, Smith, Spring, Tuss, Wagner, Zook.

Total 16

Voted Absentee: Benedict, Larson, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 472**, Senate amendments, concurred in as follows:

Ayes: Anderson, Bardanouve, Barnett, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Clark, Davis, DeBruycker, Elliott, Ellis, Fagg, Feland, Foster, Galvin, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harrington, Hayne, Hibbard, J. Johnson, R. Johnson, Keller, Knox, Larson, Mason, McCarthy, Mills, Molnar, L. Nelson, Orr, Peterson, Ream, Rehbein, J. Rice, Rose, Simpkins, Smith, Spring, Stanford, Stovall, Swanson, Tash, Tunby, Vogel, Wallin, Winslow, Wiseman, Zook, Mr. Speaker.

Total 59

Noes: Bachini, Barnhart, Brooke, Brown, Cobb, Cocchiarella, Daily, Dolezal, Dowell, Driscoll, Endy, Ewer, Fisher, Gervais, Harper, Herron, Kadas, Kasten, McCaffree, McCulloch, Menahan, T. Nelson, Pavlovich, Peck, Quilici, Raney, S. Rice, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Squires, Strizich, Toole, Tuss, Wagner, Wanzenried, Whalen, Wyatt.

Total 41

Voted Absentee: Benedict, Larson, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 526**, Senate amendments, concurred in as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peterson, Quilici, Ream, Rehbein, J. Rice, S. Rice, Rose, Sayles, Schwinden, Schye, Simon, Simpkins, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 91

Noes: Cocchiarella, DeBruycker, Gervais, Peck, Raney, Russell, Ryan, Smith, Whalen.  
Total 9

Voted Absentee: Benedict, Larson, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 565**, Senate amendments, concurred in as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, H.S. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 94

Noes: Bergsagel, Feland, Molnar, Rehbein.  
Total 4

Voted Absentee: Benedict, Larson, Ayes.

Excused: None.  
Total 0

Absent or not voting: Hansen, M. Hanson.  
Total 2

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**HB 648**, Senate amendments, concurred in as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Larson, Mason, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 95

Noes: DeBruycker, Gervais, Kasten, McCaffree, Smith.

Total 5

Voted Absentee: Benedict, Larson, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 241**, Senate amendments, concurred in as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Bergman, Bergsagel, Bird, Bohlinger, Brandewie, Brooke, Brown, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Knox, McCaffree, McCarthy, McCulloch, Menahan, Mills, T. Nelson, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 85

Noes: Benedict, Boharski, Clark, DeBruycker, Feland, Molnar, Orr, Peterson, Spring, Wagner.

Total 10

Voted Absentee: Benedict, No.

Excused: Larson.

Total 1

Absent or not voting: Herron, Keller, Mason, L. Nelson.

Total 4



**HJR 13**, Senate amendments, concurred in as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnhart, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Knox, McCaffree, McCarthy, McCulloch, Menahan, Molnar, Pavlovich, Peck, Quilici, Raney, Ream, J. Rice, S. Rice, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 78

Noes: Barnett, Benedict, Clark, DeBruycker, Feland, Gilbert, Hayne, Herron, Keller, Mason, Mills, L. Nelson, T. Nelson, Orr, Peterson, Rehbein, Rose, Simpkins, Smith, Spring, Wagner.

Total 21

Voted Absentee: Benedict, No.

Excused: Larson.

Total 1

Absent or not voting: None.

Total 0

**HJR 17**, Senate amendments, concurred in as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, T. Nelson, Pavlovich, Peck, Quilici, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Wagner, Wallin, Wanzenried, Whalen, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 83

Noes: Bergsagel, Bird, DeBruycker, Elliott, Feland, Gilbert, Hayne, Herron, Kasten, L. Nelson, Orr, Peterson, Raney, Rehbein, Vogel, Winslow.

Total 16

Voted Absentee: Benedict, Aye.

Excused: Larson.

Total 1

Absent or not voting: None.

Total 0

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**HB 409**, Senate amendments, concurred in as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 98

Noes: Bergsagel.

Total 1

Voted Absentee: Benedict, Aye.

Excused: Larson.

Total 1

Absent or not voting: None.

Total 0

**HB 494**, Senate amendments, concurred in as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Knox, Mason, McCarthy, McCulloch, Menahan, Mills, Molnar, T. Nelson, Orr, Pavlovich, Peck, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 85

Noes: Bergman, Clark, Feland, Gilbert, Hayne, Kasten, L. Nelson, Peterson, Rehbein, Smith, Spring, Winslow.

Total 12

Voted Absentee: Benedict, Aye.

Excused: Larson.

Total 1

Absent or not voting: Keller, McCaffree.

Total 2

**HB 496**, Senate amendments, concurred in as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergsagel, Bird, Bohlinger, Brandewie, Brooke, Brown, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 90

Noes: Bergman, Boharski, Clark, DeBruycker, Feland, Gilbert, Peterson, Smith.  
Total 8

Voted Absentee: Benedict, Aye.

Excused: Larson.

Total 1

Absent or not voting: Hansen.

Total 1

**HB 637**, Senate amendments, concurred in as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 98

Noes: Bergsagel.

Total 1

Voted Absentee: Benedict, Aye.

Excused: Larson.

Total 1

Absent or not voting: None.

Total 0

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**HB 84**, Senate amendments, concurred in as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Bohlinger, Brandewie, Brooke, Clark, Daily, Davis, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Galvin, Grimes, Grinde, H.S. Hanson, Harrington, J. Johnson, R. Johnson, McCaffree, McCarthy, Menahan, Mills, Molnar, T. Nelson, Pavlovich, Peck, Peterson, Quilici, J. Rice, S. Rice, Ryan, Sayles, Schwinden, Simon, Simpkins, Smith, Stanford, Strizich, Swanson, Vogel, Wallin, Wanzenried, Winslow, Wiseman, Mr. Speaker.  
Total 54

Noes: Bergsagel, Boharski, Brown, Cobb, Cocchiarella, DeBruycker, Dolezal, Dowell, Feland, Fisher, Foster, Gervais, Gilbert, Grady, Hansen, M. Hanson, Harper, Hayne, Herron, Hibbard, Kadas, Kasten, Keller, Knox, Mason, McCulloch, L. Nelson, Orr, Raney, Ream, Rehbein, Russell, Schye, Spring, Squires, Stovall, Tash, Toole, Tunby, Tuss, Wagner, Whalen, Wyatt, Zook.  
Total 44

Voted Absentee: Benedict, Aye.

Excused: Larson.  
Total 1

Absent or not voting: Rose.  
Total 1

**HB 288**, Senate amendments, concurred in as follows:

Ayes: Anderson, Bachini, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Daily, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Mason, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Stovall, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 87

Noes: Bardanouve, Bergsagel, Cocchiarella, Davis, Ewer, Hansen, McCaffree, Raney, Spring, Squires, Stanford, Strizich.  
Total 12

Voted Absentee: Benedict, Aye.

Excused: Larson.  
Total 1

Absent or not voting: None.  
Total 0



**HB 299**, Senate amendments, concurred in as follows:

Ayes: Bachini, Barnett, Barnhart, Benedict, Bergman, Bird, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Ellis, Endy, Ewer, Fagg, Galvin, Gervais, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, T. Nelson, Orr, Pavlovich, Quilici, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 80

Noes: Anderson, Bardanouve, Bergsagel, Boharski, Daily, Elliott, Feland, Fisher, Foster, Gilbert, Kasten, Molnar, L. Nelson, Peck, Peterson, Raney, Rehbein, Smith, Wagner.

Total 19

Voted Absentee: Benedict, Aye.

Excused: Larson.

Total 1

Absent or not voting: None.

Total 0

**HB 258**, Senate amendments, concurred in as follows:

Ayes: Anderson, Bardanouve, Barnett, Barnhart, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Endy, Ewer, Fagg, Fisher, Galvin, Gervais, Grady, Grimes, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, Orr, Pavlovich, Quilici, Raney, Ream, J. Rice, S. Rice, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Vogel, Wagner, Wanzenried, Whalen, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 76

Noes: Bachini, Benedict, Bergman, Bergsagel, DeBruycker, Ellis, Feland, Foster, Gilbert, Grinde, Herron, Knox, L. Nelson, T. Nelson, Peck, Peterson, Rehbein, Rose, Smith, Spring, Tuss, Wallin, Winslow.

Total 23

Voted Absentee: Benedict, No.

Excused: Larson.

Total 1

Absent or not voting: None.

Total 0

**HB 272**, Senate amendments, concurred in as follows:

Ayes: Anderson, Bachini, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 93

Noes: Bardanouve, Bergsagel, Feland, Rose, Vogel, Wagner.

Total 6

Voted Absentee: Benedict, Aye.

Excused: Larson.

Total 1

Absent or not voting: None.

Total 0

**HB 307**, Senate amendments, concurred in as follows:

Ayes: Barnhart, Benedict, Bergman, Bird, Bohlinger, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Endy, Fagg, Feland, Foster, Galvin, Gervais, Gilbert, Grady, H.S. Hanson, M. Hanson, Harrington, Hayne, Hibbard, J. Johnson, R. Johnson, Kasten, Keller, Knox, Mason, McCarthy, McCulloch, Menahan, L. Nelson, Pavlovich, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tuss, Wagner, Wallin, Wanzenried, Whalen, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 72

Noes: Anderson, Bachini, Bardanouve, Barnett, Bergsagel, Boharski, Brandewie, Cobb, Ellis, Ewer, Fisher, Grimes, Grinde, Hansen, Harper, Herron, Kadas, McCaffree, Mills, Molnar, T. Nelson, Orr, Peck, Rose, Tunby, Vogel, Winslow.

Total 27

Voted Absentee: Benedict, Aye.

Excused: Larson.

Total 1

Absent or not voting: None.

Total 0

**HB 545**, Senate amendments, concurred in as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 93

Noes: Bergsagel, Boharski, Knox, T. Nelson, Peterson, Wagner.

Total 6

Voted Absentee: Benedict, Aye.

Excused: Larson.

Total 1

Absent or not voting: None.

Total 0

**HB 613**, Senate amendments, concurred in as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 94

Noes: DeBruycker, Gilbert, Peterson.

Total 3

Voted Absentee: Benedict, Aye.

Excused: Larson.

Total 1

Absent or not voting: Cobb, Orr.

Total 2

**HB 222**, Senate amendments, concurred in as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Mason, McCarthy, McCulloch, Menahan, Mills, Molnar, T. Nelson, Orr, Pavlovich, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 91

Noes: Bergsagel, Boharski, Cocchiarella, Kasten, McCaffree, L. Nelson, Peck, Peterson.  
Total 8

Voted Absentee: Benedict, Aye.

Excused: Larson.  
Total 1

Absent or not voting: None.  
Total 0

**HB 429**, Senate amendments, concurred in as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 96

Noes: Brooke, Driscoll, Gilbert.  
Total 3

Voted Absentee: Benedict, Aye.

Excused: Larson.  
Total 1

Absent or not voting: None.  
Total 0



**HB 478**, Senate amendments, concurred in as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bird, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Pavlovich, Peck, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 88

Noes: Bergman, Bergsagel, Boharski, DeBruycker, Feland, Hayne, Orr, Peterson, Rehbein, Spring, Wagner.

Total 11

Voted Absentee: Benedict, Aye.

Excused: Larson.

Total 1

Absent or not voting: None.

Total 0

**HB 606**, Senate amendments, concurred in as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Bohlinger, Brown, Clark, Cobb, Daily, Davis, DeBruycker, Dolezal, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, J. Johnson, R. Johnson, Kasten, Keller, Knox, Mason, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Ream, Rehbein, J. Rice, S. Rice, Rose, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Wagner, Wallin, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 82

Noes: Bergsagel, Boharski, Brandewie, Brooke, Cocchiarella, Dowell, Driscoll, Gervais, Gilbert, Herron, Kadas, McCaffree, Raney, Russell, Tuss, Vogel, Wanzenried.

Total 17

Voted Absentee: Benedict, Aye.

Excused: Larson.

Total 1

Absent or not voting: None.

Total 0

April 2, 1993

**HB 638**, Senate amendments, concurred in as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 98

Noes: Winslow.

Total 1

Voted Absentee: Benedict, Aye.

Excused: Larson.

Total 1

Absent or not voting: None.

Total 0

**HB 174**, Senate amendments, concurred in as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 92

Noes: Brown, DeBruycker, Gilbert, Peck, Rehbein, Winslow.

Total 6

Voted Absentee: Benedict, Aye.

Excused: Larson.

Total 1

Absent or not voting: Spring.

Total 1

**HB 23**, Senate amendments, concurred in as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Boharski, Bohlinger, Brandewie, Brooke, Brown, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 97

Noes: None.

Total 0

Voted Absentee: Benedict, Aye.

Excused: Larson.

Total 1

Absent or not voting: Bird, Clark.

Total 2

**HB 235**, Senate amendments, concurred in as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 98

Noes: Bergsagel.

Total 1

Voted Absentee: Benedict, Aye.

Excused: Larson.

Total 1

Absent or not voting: None.

Total 0

April 2, 1993

**HB 236**, Senate amendments, concurred in as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Grady, Grimes, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 88

Noes: Bergsagel, Bird, DeBruycker, Gilbert, Grinde, Herron, Mason, Peterson, Smith, Spring.

Total 10

Voted Absentee: Benedict, Aye.

Excused: Larson.

Total 1

Absent or not voting: Tuss.

Total 1

**HB 283**, Senate amendments, concurred in as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Cobb, Daily, Davis, DeBruycker, Dolezal, Dowell, Elliott, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Wallin, Wanzenried, Winslow, Wiseman, Zook, Mr. Speaker.

Total 83

Noes: Bergsagel, Clark, Cocchiarella, Driscoll, Gervais, Herron, Knox, Peck, Peterson, Smith, Spring, Vogel, Wagner, Whalen, Wyatt.

Total 15

Voted Absentee: Benedict, Aye.

Excused: Larson.

Total 1

Absent or not voting: Ellis.

Total 1



**HB 317**, Senate amendments, concurred in as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peterson, Quilici, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 94

Noes: Bergsagel, Boharski, DeBruycker, Peck, Raney.

Total 5

Voted Absentee: Benedict, Aye.

Excused: Larson.

Total 1

Absent or not voting: None.

Total 0

**HB 395**, Senate amendments, concurred in as follows:

Ayes: Anderson, Bachini, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Ream, Rehbein, J. Rice, S. Rice, Rose, Ryan, Sayles, Schwinden, Schye, Simon, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 92

Noes: Bardanouve, Gervais, Raney, Russell, Simpkins, Whalen.

Total 6

Voted Absentee: Benedict, Aye.

Excused: Larson.

Total 1

Absent or not voting: Herron.

Total 1

April 2, 1993

**HB 397**, Senate amendments, concurred in as follows:

Ayes: Anderson, Bardanouve, Barnhart, Benedict, Bergman, Bird, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Hansen, H.S. Hanson, Harper, Harrington, Hibbard, J. Johnson, R. Johnson, Kadas, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, T. Nelson, Pavlovich, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 75

Noes: Bachini, Barnett, Bergsagel, Boharski, DeBruycker, Driscoll, Elliott, Feland, Grinde, M. Hanson, Hayne, Herron, Kasten, Keller, Knox, L. Nelson, Orr, Peck, Peterson, Rehbein, Simpkins, Smith, Wagner.

Total 23

Voted Absentee: Benedict, Aye.

Excused: Larson.

Total 1

Absent or not voting: Spring.

Total 1

**HB 401**, Senate amendments, concurred in as follows:

Ayes: Anderson, Barnett, Barnhart, Benedict, Bergsagel, Bird, Bohlinger, Brandewie, Brooke, Brown, Clark, Cocchiarella, Daily, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harrington, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wallin, Wanzenried, Winslow, Wyatt, Zook, Mr. Speaker.

Total 78

Noes: Bachini, Bardanouve, Bergman, Boharski, Cobb, Davis, Feland, Gilbert, Harper, Hayne, Molnar, L. Nelson, T. Nelson, Orr, Rehbein, Rose, Smith, Spring, Wagner, Whalen, Wiseman.

Total 21

Voted Absentee: Benedict, Aye.

Excused: Larson.

Total 1

Absent or not voting: None.

Total 0

**HB 443**, Senate amendments, concurred in as follows:

Ayes: Anderson, Bachini, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Brandewie, Brooke, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wallin, Wanzenried, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 89

Noes: Bardanouve, Bohlinger, Brown, DeBruycker, Driscoll, Molnar, Quilici, Spring, Wagner, Whalen.

Total 10

Voted Absentee: Benedict, Aye.

Excused: Larson.

Total 1

Absent or not voting: None.

Total 0

**HB 500**, Senate amendments, concurred in as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Clark, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Foster, Galvin, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Mason, McCaffree, McCarthy, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Ream, Rehbein, J. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Stanford, Stovall, Strizich, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 86

Noes: Brooke, Brown, Cobb, Fisher, Gervais, Harper, Harrington, McCulloch, Quilici, Raney, S. Rice, Squires, Swanson.

Total 13

Voted Absentee: Benedict, Aye.

Excused: Larson.

Total 1

Absent or not voting: None.

Total 0

April 2, 1993

**HB 507**, Senate amendments, concurred in as follows:

Ayes: Bachini, Bergman, Bird, Boharski, Bohlinger, Brandewie, Clark, Cobb, Cocchiarella, Daily, DeBruycker, Ellis, Endy, Fagg, Feland, Fisher, Foster, Galvin, Gilbert, Grady, Grimes, Grinde, H.S. Hanson, Harrington, Herron, Hibbard, J. Johnson, R. Johnson, Keller, Knox, Mason, McCarthy, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, Rose, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Swanson, Tash, Toole, Tunby, Vogel, Wagner, Wallin, Wanzenried, Wiseman, Zook, Mr. Speaker.

Total 65

Noes: Anderson, Bardanouve, Barnett, Barnhart, Benedict, Bergsagel, Brooke, Brown, Davis, Dolezal, Dowell, Driscoll, Elliott, Ewer, Gervais, Hansen, M. Hanson, Harper, Hayne, Kadas, Kasten, McCaffree, McCulloch, Peterson, J. Rice, S. Rice, Russell, Stanford, Stovall, Strizich, Tuss, Whalen, Winslow, Wyatt.

Total 34

Voted Absentee: Benedict, No.

Excused: Larson.

Total 1

Absent or not voting: None.

Total 0

**HB 510**, Senate amendments, concurred in as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Mason, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Zook, Mr. Speaker.

Total 91

Noes: DeBruycker, Dowell, McCaffree, Rehbein, Ryan, Spring, Wagner, Wyatt.

Total 8

Voted Absentee: Benedict, Aye.

Excused: Larson.

Total 1

Absent or not voting: None.

Total 0



**HB 562**, Senate amendments, concurred in as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 99

Noes: None.

Total 0

Voted Absentee: Benedict, Aye.

Excused: Larson.

Total 1

Absent or not voting: None.

Total 0

**HB 610**, Senate amendments, concurred in as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Mason, McCarthy, McCulloch, Menahan, Mills, Molnar, T. Nelson, Orr, Pavlovich, Peck, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Squires, Stanford, Stovall, Swanson, Tash, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 88

Noes: Benedict, Bergsagel, Herron, Kasten, McCaffree, L. Nelson, Peterson, Rehbein, Spring, Strizich, Toole.

Total 11

Voted Absentee: Benedict, No.

Excused: Larson.

Total 1

Absent or not voting: None.

Total 0

**HB 619**, Senate amendments, concurred in as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Bergman, Bird, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Elliott, Ellis, Endy, Fagg, Fisher, Foster, Galvin, Gervais, Grady, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Quilici, Raney, Ream, J. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simpkins, Smith, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Vogel, Wallin, Wanzenried, Whalen, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 79

Noes: Benedict, Bergsagel, Boharski, Driscoll, Ewer, Feland, Gilbert, Grimes, Grinde, Kasten, Knox, Peck, Peterson, Rehbein, S. Rice, Spring, Tuss, Wagner.

Total 18

Voted Absentee: Benedict, No.

Excused: Larson.

Total 1

Absent or not voting: Simon, Winslow.

Total 2

**SB 89**, Governor's amendments, concurred in as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 95

Noes: DeBruycker, Gilbert, Kasten, Rehbein.

Total 4

Voted Absentee: Benedict, Aye.

Excused: Larson.

Total 1

Absent or not voting: None.

Total 0

### MOTIONS

Representative Wanzenried moved the rules be suspended to permit the late drafting and introduction of a bill. Motion carried.

Representative Brown moved the House reconsider its action on SB 364 taken on third reading and that SB 364 be tabled. Motion failed. (48-50)

Representative Brown moved the House reconsider its action on SB 364 taken on third reading the previous legislative day.

Representative Harper made a substitute motion that Representative Brown's motion be passed until the seventy-sixth legislative day. Motion carried. (51-44)

Representative Grinde moved the Speaker be authorized to appoint conference committees to meet with like committees from the Senate to confer on Senate amendments to HB 142, HB 202 and HB 287. Motion carried.

Representative Grinde moved the Speaker be authorized to appoint free conference committees to meet with like committees from the Senate to confer on HB 273, HB 469 and HB 581. Motion carried.

Representative Molnar moved he be allowed to change his vote on Senate amendments to HB 472, third reading, from aye to no. Motion carried.

Representative Anderson moved he be allowed to change his vote on Senate amendments to HB 299, third reading, from no to aye. Motion carried.

### UNFINISHED BUSINESS

Mr. Speaker appointed the following members to the conference committee on HB 142:

Representative Fagg, Chairman  
Representative Anderson  
Representative Brown

Mr. Speaker appointed the following members to the conference committee on HB 202:

Representative Brandewie, Chairman  
Representative Peck  
Representative Rose

Mr. Speaker appointed the following members to the conference committee on HB 287:

Representative Benedict, Chairman

Representative Cocchiarella  
Representative Wiseman

Mr. Speaker appointed the following members to the free conference committee on HB 273:

Representative Ellis, Chairman  
Representative Dolezal  
Representative Herron

Mr. Speaker appointed the following members to the free conference committee on HB 469:

Representative Spring, Chairman  
Representative Cocchiarella  
Representative Boharski

Mr. Speaker appointed the following members to the free conference committee on HB 581:

Representative Barnett, Chairman  
Representative Wagner  
Representative S. Rice

#### **ANNOUNCEMENTS**

Committee meetings were announced by committee chairmen.

Representative Grinde moved the House adjourn until 8:00 a.m., Saturday, April 3, 1993. Motion carried.

House adjourned at 2:59 p.m.

John Mercer, Speaker

Marilyn Miller, Chief Clerk





## SEVENTY-FIFTH LEGISLATIVE DAY

Helena, Montana  
April 3, 1993

House Chambers  
State Capitol

House convened at 8:00 a.m. Mr. Speaker in the Chair. Invocation by Travis Ahner, an honorary page. Pledge of Allegiance to the Flag.

Roll call. All members present except Benedict, Mason, Sayles, Simpkins, Winslow, excused. Quorum present.

Mr. Speaker introduced this week's pages:

Erin Meeks, Polson (permanent page)  
Brooke Pippin, Fort Benton  
Tanya Williams, Whitefish  
Jennifer Spurgat, Florence  
Jaret Foster, Helena  
Wayne Wallace, Billings  
Ryan Wellington, Whitefish  
Peter Everett, Billings  
Terry Pierce, Savage

### Honorary Pages

Jessica Knox, Winifred  
Virginia Kolschefsky, Eureka  
Travis Ahner, Helena  
Walsh Hansen, Missoula  
Nikki Offill, Missoula

## REPORTS OF STANDING COMMITTEES

BILLS (Hayne, Chairman): 4/3/93  
Correctly printed for second reading: HJR 28.  
Correctly engrossed for third reading: SB 396, SB 429.  
Delivered to the Governor for his approval at 4:35 p.m., 4/2/93:  
HB 64, HB 107, HB 148, HB 232, HB 237, HB 336, HB 342, HB 344,  
HB 349, HB 364, HB 366, HB 408, HB 417, HB 428, HB 435, HB 441,  
HB 488, HB 489, HB 491, HB 502, HB 506, HB 543, HB 596, HB 646.

## ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Representative Grinde moved the House adjourn until 1:30 p.m., Monday, April 5, 1993. Motion carried.

House adjourned at 8:08 a.m.

John Mercer, Speaker

Marilyn Miller, Chief Clerk



## SEVENTY-SIXTH LEGISLATIVE DAY

Helena, Montana  
April 5, 1993

House Chambers  
State Capitol

House convened at 1:30 p.m. Mr. Speaker in the Chair. Invocation by Reverend Doug Kelley. Pledge of Allegiance to the Flag.

Roll call. All members present except Barnhart, excused. Quorum present.

Mr. Speaker: We, your committee on Legislative Administration/Bills and Journal, having examined the daily journal for the seventy-second legislative day, find the same to be correct.

Harriet Hayne, Chairman

### REPORTS OF STANDING COMMITTEES

APPROPRIATIONS (Zook, Chairman):

4/5/93

**SB 118**, third reading copy, be concurred in. Report adopted.

### REPORTS OF SELECT COMMITTEES

Conference Committee  
on Senate Bill 11  
Report No. 1, March 19, 1993

Mr. President and Mr. Speaker:

We, your Conference Committee on Senate Bill 11, met and considered:

House amendments to Senate Bill 11.

We recommend that Senate Bill 11 (reference copy - salmon) be amended as follows:

1. Title, line 5.

Following: "TRANSACTIONS;"

Strike: "AND"

2. Title, line 7.

Following: "DATE"

Insert: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

3. Page 2, line 3.

Following: line 2

Insert: "NEW SECTION. Section 2. Effective date. [This act] is effective on passage and approval."

And that this Conference Committee report be adopted.

For the Senate:

For the House:

Towe, Chairman  
Lynch  
Gage

Ellis, Chairman  
Pavlovich  
Wagner



1904

HOUSE JOURNAL  
REGULAR SESSION

**MESSAGES FROM THE SENATE**

House bill concurred in and returned to the House: 4/3/93

**HB 663**, introduced by Harper

House bill not concurred in and returned to the House: 4/2/93

**HB 225**, introduced by Benedict

House amendments to Senate bills concurred in: 4/3/93

**SB 37**, introduced by Towe

**SB 100**, introduced by Forrester

**SB 203**, introduced by Fritz

**SB 251**, introduced by Towe

**SB 264**, introduced by Van Valkenburg

**SB 344**, introduced by Waterman

**SB 352**, introduced by Keating

**SB 384**, introduced by Lynch

Governor's amendments concurred in: 4/3/93

**SB 169**, introduced by Beck

Conference committee report #1 adopted: 4/3/93

**HB 49**, introduced by Dolezal

Free conference committee report #1 adopted: 4/3/93

**HB 169**, introduced by Ewer

**SJR 3**, introduced by Kennedy

**MESSAGES FROM THE GOVERNOR**

The Honorable John Mercer  
Speaker of the House  
State Capitol  
Helena, Montana 59620  
March 31, 1993

Dear Representative Mercer:

Please be informed that I have signed House Bill 650 on March 31, 1993.

Sincerely,

MARC RACICOT  
Governor

**FIRST READING AND COMMITMENT  
OF BILLS AND RESOLUTIONS**

The following House bill was introduced, read first time, and referred to committee:

**HB 692**, introduced by Wanzenried, Grosfield, Yellowtail, Harper, Swysgood, Halligan, Beck, Brooke, Swanson, Raney, Gilbert, Grinde, Fagg, Schye, referred to Committee on Natural Resources

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Harrington in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HJR 28** - Representative Brown moved consideration of HJR 28 be placed at the top of the second reading board. Motion carried.

Representative Simon moved Senate amendments to HJR 28 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnhart, Benedict, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, L. Nelson, T. Nelson, Pavlovich, Peck, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wanzenried, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 83

Noes: Bergman, Bergsagel, Cobb, Hayne, Herron, Molnar, Orr, Peterson, Rehbein, Simpkins, Smith, Spring, Wagner, Wallin, Whalen.

Total 15

Voted Absentee: Barnhart, Aye.

Excused: None.

Total 0

Absent or not voting: Barnett, Feland.

Total 2

**HB 168** - Representative Rehbein moved Senate amendments to HB 168 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanoue, Barnett, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 99

Noes: None.

Total 0

Excused: Barnhart.

Total 1

Absent or not voting: None.

Total 0

**HB 121** - Representative Fagg moved Senate amendments to HB 121 be not concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Barnett, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Clark, Cobb, Cocchiarella, Daily, Davis, Dowell, Elliott, Ellis, Endy, Fagg, Feland, Fisher, Foster, Gervais, Gilbert, Grady, Grinde, Hansen, H.S. Hanson, M. Hanson, Harrington, Hayne, Hibbard, J. Johnson, R. Johnson, Kasten, Keller, Knox, Larson, Mason, McCarthy, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schye, Simon, Simpkins, Smith, Spring, Stanford, Stovall, Strizich, Tash, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Winslow, Wiseman, Zook, Mr. Speaker.

Total 78

Noes: Bardanoue, Brooke, Brown, DeBruycker, Dolezal, Driscoll, Ewer, Galvin, Grimes, Harper, Herron, Kadas, McCaffree, McCulloch, Ream, Schwinden, Squires, Swanson, Toole, Wyatt.

Total 20

Excused: Barnhart.

Total 1

Absent or not voting: Whalen.

Total 1

**HB 157** - Representative Vogel moved Senate amendments to HB 157 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Benedict, Bergman, Bergsagel, Boharski, Bohlinger, Brandewie, Clark, Cobb, DeBruycker, Dowell, Elliott, Ellis, Ewer, Fagg, Feland, Fisher, Foster, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Mason, McCaffree, McCarthy, Menahan, Mills, Molnar, T. Nelson, Orr, Peck, Peterson, J. Rice, Rose, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Stanford, Stovall, Strizich, Swanson, Tash, Tunby, Vogel, Wallin, Wanzenried, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 66

Noes: Bird, Brooke, Brown, Cocchiarella, Daily, Davis, Dolezal, Driscoll, Endy, Galvin, Gervais, Gilbert, Hansen, Harper, Harrington, Herron, Larson, McCulloch, L. Nelson, Pavlovich, Quilici, Raney, Ream, Rehbein, S. Rice, Russell, Ryan, Squires, Toole, Tuss, Wagner, Whalen, Winslow.  
Total 33

Excused: Barnhart.  
Total 1

Absent or not voting: None.  
Total 0

**HB 216** - Representative J. Rice moved Senate amendments to HB 216 be concurred in.

Representative Pavlovich made a substitute motion Senate amendments to HB 216 be not concurred in. Motion failed as follows: (35-62)

Thereupon, Senate amendments to HB 216 were concurred in as follows:

Ayes: Anderson, Bardanouve, Barnett, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Clark, Cocchiarella, Davis, Dowell, Driscoll, Elliott, Ellis, Ewer, Fisher, Foster, Galvin, Gilbert, Grady, Grimes, Grinde, Hansen, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Molnar, L. Nelson, Orr, Peck, Peterson, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simpkins, Spring, Squires, Stanford, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wallin, Wanzenried, Winslow, Wiseman, Zook, Mr. Speaker.  
Total 73

Noes: Bachini, Benedict, Brown, Cobb, Daily, DeBruycker, Dolezal, Endy, Fagg, Feland, Gervais, H.S. Hanson, Kasten, Keller, Menahan, Mills, T. Nelson, Pavlovich, Quilici, Rehbein, Simon, Smith, Stovall, Wagner, Whalen, Wyatt.  
Total 26

Excused: Barnhart.  
Total 1

Absent or not voting: None.  
Total 0



Representative Grinde moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman Harrington moved the adoption of the committee report. Report adopted. (75-17)

### THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**SB 396** concurred in as follows:

Ayes: Bardanouve, Barnhart, Bergman, Bohlinger, Brandewie, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Driscoll, Ellis, Endy, Ewer, Fagg, Galvin, Grimes, Hansen, Harper, Harrington, Hibbard, R. Johnson, Kadas, Keller, Larson, McCarthy, McCulloch, Menahan, Mills, Molnar, T. Nelson, Pavlovich, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Sayles, Schwinden, Schye, Simon, Simpkins, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Toole, Tunby, Tuss, Vogel, Wallin, Whalen, Winslow, Wiseman, Zook, Mr. Speaker.

Total 62

Noes: Anderson, Bachini, Barnett, Benedict, Bergsagel, Bird, Boharski, Cobb, Dowell, Elliott, Feland, Fisher, Foster, Gervais, Gilbert, Grady, Grinde, H.S. Hanson, M. Hanson, Hayne, Herron, J. Johnson, Kasten, Knox, Mason, McCaffree, L. Nelson, Orr, Peck, Peterson, Rehbein, Russell, Ryan, Smith, Tash, Wagner, Wanzenried, Wyatt.

Total 38

Voted Absentee: Barnhart, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 429** concurred in as follows:

Ayes: Anderson, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brown, Clark, Cocchiarella, DeBruycker, Dolezal, Driscoll, Elliott, Ellis, Endy, Feland, Foster, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harrington, Hayne, Herron, Hibbard, R. Johnson, Kasten, Keller, Knox, Mason, McCaffree, McCarthy, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Quilici, Rehbein, J. Rice, Sayles, Simon, Simpkins, Smith, Spring, Stovall, Swanson, Tash, Tunby, Tuss, Vogel, Wagner, Wallin, Winslow, Wiseman, Mr. Speaker.

Total 64

Noes: Bachini, Bardanouve, Bergsagel, Brooke, Cobb, Daily, Davis, Dowell, Ewer, Fagg, Fisher, Galvin, Harper, J. Johnson, Kadas, Larson, McCulloch, Pavlovich, Peck, Peterson, Raney, Ream, S. Rice, Rose, Russell, Ryan,

April 5, 1993

Schwinden, Schye, Squires, Stanford, Strizich, Toole, Wanzenried, Whalen, Wyatt, Zook.

Total 36

Voted Absentee: Barnhart, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 365**, Senate amendments, concurred in as follows:

Ayes: Anderson, Bachini, Barnett, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Daily, DeBruycker, Dolezal, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCarthy, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Simon, Simpkins, Smith, Spring, Squires, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 88

Noes: Bardanouve, Cocchiarella, Davis, Dowell, McCaffree, McCulloch, Raney, Schye, Stanford, Tuss.

Total 10

Excused: Barnhart.

Total 1

Absent or not voting: Hansen.

Total 1

**HB 433**, Senate amendments, concurred in as follows:

Ayes: Benedict, Bird, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Driscoll, Ellis, Endy, Feland, Gervais, Gilbert, Grady, Grinde, Hansen, H.S. Hanson, M. Hanson, Harrington, Hayne, Hibbard, J. Johnson, Keller, Knox, Larson, McCarthy, McCulloch, Menahan, Molnar, Pavlovich, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Ryan, Sayles, Schwinden, Simon, Simpkins, Smith, Spring, Squires, Stovall, Strizich, Swanson, Tash, Toole, Wallin, Whalen, Winslow, Wiseman, Zook, Mr. Speaker.

Total 60

Noes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brooke, Dowell, Elliott, Ewer, Fagg, Fisher, Foster, Galvin, Grimes, Harper, Herron, R. Johnson, Kadas, Kasten, Mason,

McCaffree, Mills, L. Nelson, T. Nelson, Orr, Peck, Russell, Schye, Stanford, Tunby, Tuss, Vogel, Wagner, Wanzenried, Wyatt.  
Total 39

Voted Absentee: Barnhart, No.

Excused: None.  
Total 0

Absent or not voting: Brandewie.  
Total 1

**HB 485**, Senate amendments, concurred in as follows:

Ayes: Barnhart, Benedict, Bergman, Bird, Boharski, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Ellis, Endy, Fagg, Fisher, Foster, Galvin, Gervais, Grady, Grimes, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, L. Nelson, Orr, Pavlovich, Peterson, Quilici, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Schwinden, Schye, Simon, Simpkins, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Tunby, Tuss, Vogel, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 76

Noes: Anderson, Bachini, Bardanouve, Barnett, Bergsagel, Bohlinger, DeBruycker, Elliott, Ewer, Feland, Gilbert, Grinde, Herron, Kasten, Mills, Molnar, T. Nelson, Peck, Raney, Rehbein, Sayles, Smith, Toole, Wagner.  
Total 24

Voted Absentee: Barnhart, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 617**, Senate amendments, concurred in as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel,

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Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 99

Noes: McCaffree.  
Total 1

Voted Absentee: Barnhart, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 564**, Senate amendments, concurred in as follows:

Ayes: Anderson, Bachini, Barnhart, Benedict, Bergman, Bergsagel, Bird, Bohlinger, Brandewie, Brooke, Brown, Clark, Daily, Davis, Dolezal, Driscoll, Elliott, Ellis, Ewer, Fagg, Feland, Foster, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Larson, Mason, McCaffree, McCarthy, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peterson, Quilici, Ream, Rehbein, J. Rice, Rose, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 80

Noes: Bardanouve, Barnett, Boharski, Cobb, Cocchiarella, DeBruycker, Dowell, Endy, Fisher, Galvin, Gervais, Herron, Kasten, McCulloch, Peck, Raney, S. Rice, Russell, Stanford, Vogel.  
Total 20

Voted Absentee: Barnhart, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 128**, Senate amendments, concurred in as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Larson, Mason, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring,



Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 91

Noes: Bergsagel, Clark, Grinde, Kasten, McCaffree, T. Nelson, Rehbein, Vogel, Wagner.  
Total 9

Voted Absentee: Barnhart, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 221**, Senate amendments, concurred in as follows:

Ayes: Anderson, Bardanouve, Barnett, Barnhart, Bergman, Bohlinger, Brandewie, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Grady, Grimes, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 85

Noes: Bachini, Benedict, Bergsagel, Bird, Boharski, Cobb, DeBruycker, Gilbert, Grinde, Keller, Molnar, Peterson, Smith, Wagner.  
Total 14

Voted Absentee: Barnhart, Aye.

Excused: None.  
Total 0

Absent or not voting: Elliott.  
Total 1

**HB 245**, Senate amendments, concurred in as follows:

Ayes: Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Brandewie, Brooke, Brown, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, Kadas, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Smith,

Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wyatt, Zook, Mr. Speaker.

Total 85

Noes: Anderson, Bachini, Bergsagel, Bohlinger, Clark, DeBruycker, Feland, Galvin, R. Johnson, Kasten, Keller, Orr, Rehbein, Simpkins, Wiseman.

Total 15

Voted Absentee: Barnhart, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 530**, Senate amendments, concurred in as follows:

Ayes: Anderson, Bachini, Barnett, Benedict, Bergman, Bergsagel, Boharski, Bohlinger, Brown, Clark, Cobb, Daily, DeBruycker, Dolezal, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gilbert, Grady, Grimes, Grinde, H.S. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Mason, McCarthy, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peterson, Quilici, Ream, Rehbein, J. Rice, S. Rice, Rose, Ryan, Sayles, Schwinden, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Tunby, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Zook, Mr. Speaker.

Total 78

Noes: Bardanouve, Barnhart, Brandewie, Brooke, Cocchiarella, Davis, Dowell, Driscoll, Gervais, Hansen, M. Hanson, Larson, McCaffree, McCulloch, Peck, Raney, Russell, Schye, Toole, Tuss, Wyatt.

Total 21

Voted Absentee: Barnhart, No.

Excused: None.

Total 0

Absent or not voting: Bird.

Total 1

## MOTIONS

Representative Grinde moved that the proceedings of the Memorial Service on Sunday, April 4th, 1993, be entered upon the journal of the House of the Fifty-Third Legislature, and a copy be transmitted by the Chief Clerk to the surviving members of the families and a copy be filed with the Montana Historical Society. Motion carried.

Representative Grinde moved the Speaker be authorized to appoint a conference committee to meet with a like committee from the Senate to confer on Senate amendments to HB 190. Motion carried.

Mr. Speaker appointed the following members:

Representative Simon, Chairman  
Representative Tuss  
Representative Mason

Representative Grinde moved the Speaker be authorized to appoint a conference committee to meet with a like committee from the Senate to confer on Senate amendments to HB 449. Motion carried.

Mr. Speaker appointed the following members:

Representative Spring, Chairman  
Representative Brooke  
Representative Barnett

Representative Grinde moved the Speaker be authorized to appoint a conference committee to meet with a like committee from the Senate to confer on House amendments to SB 108. Motion carried.

Mr. Speaker appointed the following members:

Representative Vogel, Chairman  
Representative Tash  
Representative Brooke

Representative Grinde moved the Speaker be authorized to appoint a conference committee to meet with a like committee from the Senate to confer on House amendments to SJR 17. Motion carried.

Mr. Speaker appointed the following members:

Representative Keller, Chairman  
Representative Wyatt  
Representative Vogel

Representative Grinde moved the Speaker be authorized to appoint a free conference committee to meet with a like committee from the Senate to confer on SB 362. Motion carried.

Mr. Speaker appointed the following members:

Representative Brandewie, Chairman  
Representative Mills  
Representative Cocchiarella

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**UNFINISHED BUSINESS**

Representative Brown moved the House reconsider its action on SB 364 taken on third reading on the seventy-third legislative day.

Representative Daily moved for previous question. Motion carried.

Thereupon, motion to reconsider action on SB 364 failed. (47-51)

**REPORTS OF STANDING COMMITTEES**

STATE ADMINISTRATION (Simpkins, Chairman):

4/5/93

**SB 87**, third reading copy, be concurred in. Report adopted.

**SPECIAL ORDERS OF THE DAY****HOUSE MEMORIAL SERVICE**

April 12, 1987

**IN MEMORIAM - GEORGE HAROLD BRIGGS**

WHEREAS, it is with deep and sincere sorrow that the members of the House of Representatives of the Fifty-Third Legislative Assembly record the passing of George Harold Briggs on March 22, 1993, in Dillon.

WHEREAS, it is fitting and proper that the outstanding record and accomplishments of the late Representative Briggs be filed on the official records of this Assembly and the following facts relative to his career are hereby noted:

George Harold Briggs, known as Harold to friends and family, was born March 23, 1916, in Manila, Utah, the son of John and Florence Briggs. His first wife died of complications from diphtheria two years after they were married in 1937. He later married Joan Christensen in the Salt Lake Temple on December 1, 1947, and they were blessed with four children, Bradley, Ron, Theron and Krista.

Representative Briggs was instrumental in getting rural electrification to remote areas in Manila, Utah, and McKinnon, Wyoming, where he lived before moving to Montana in 1949. Harold served in the Air Force for five years and was also active in the Woolgrowers Association, Cattleman's Association, Farm Bureau, Airport Board, and was director of the REA for 25 years. Harold was highly thought of in his community, and he valued time spent with family and friends. He served one term in the House of Representatives in 1981, representing House District 73. Representative Briggs held deep religious convictions and served as a High Counselor and Bishop of the LDS Church for many years in Dillon.

Representative Briggs had many interests. He held a private pilot's license, and flying was one of his greatest loves. He also sold real estate in Montana and Arizona in his spare time. He owned and operated a large



ranch in southwestern Montana, along with his brothers, and was more recently involved in heavy construction with his brother, Hugh.

Representative Briggs is survived by his wife, Joan, his four children and their spouses, 20 grandchildren and one great grandchild. Also surviving are his brothers, Dick, Jack and Hugh and their spouses, along with several nieces and nephews.

A life of service would well describe Harold Briggs' life. A man with deep concern, conviction and commitment toward his country, his community, his church, and his family.

Representative Briggs was a true gentleman, a true statesman, and a true friend to many whose lives he touched.

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That we hereby express our esteem and respect to the memory of the Honorable George Harold Briggs and extend to the members of his family our sincere sympathy in their great and irreparable loss.

IN MEMORIAM - ARNOLD HERMAN FALKENSTERN

WHEREAS, it is with deep and sincere sorrow that the members of the House of Representatives of the Fifty-Third Legislative Assembly record the passing of Arnold Herman Falkenstern on November 7, 1992, in Billings, at the age of 76.

WHEREAS, it is fitting and proper that the outstanding record and accomplishments of the late Representative Falkenstern be filed on the official records of this Assembly and the following facts relative to his career are hereby noted:

Representative Arnold Herman Falkenstern was born in Watkins, Montana, on December 2, 1915. His parents were the late Emanuel and Mary Brosz Falkenstern.

Representative Falkenstern attended school in Terry and graduated from Terry High School. He continued his academic education and attended college at Bozeman. In 1941, Arnold joined the Navy during World War II and was honorably discharged in 1946. After World War II, Arnold returned to the family farm and ranch south of Terry, where he worked until 1976.

On November 19, 1950, he married Madge Marston Hyers, in Billings. After he sold the ranch to his nephew, Larry Jens, Arnold and Madge spent summers on the ranch and winters in Arizona. They continued this routine for 17 years, until a year ago, when the couple moved permanently to Billings.

Representative Falkenstern served six terms in the State Legislature. He was also an active member of the American Legion, the Masonic Lodge, and Terry Community Presbyterian Church.

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Survivors include his wife, Madge; his brother Edwin Falkenstern of Terry; three sisters, Adele Jens of Terry, Edna Leach of Sidney and Clara Glantz of Billings, and several nieces and nephews.

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That we hereby express our esteem and respect to the memory of the Honorable Arnold Herman Falkenstern and extend to the members of his family our sincere sympathy in their great and irreparable loss.

IN MEMORIAM - JAMES R. FELT

WHEREAS, it is with deep and sincere sorrow that the members of the House of Representatives of the Fifty-Third Legislative Assembly record the passing of James R. Felt on Wednesday, February 10, 1993, in Billings at the age of 72.

WHEREAS, it is fitting and proper that the outstanding record and accomplishments of the late Representative Felt be filed on the official records of this Assembly and the following facts relative to his career are hereby noted:

Representative James R. Felt was born November 9, 1920, in Glendive and grew up in Baker, where his father, Stanley Felt was a District Court Judge. He moved to Billings as a teenager in 1937.

Representative Felt received a Bachelor of Law Degree from the University of Montana. He later earned a Master of Law Degree with a tax law specialty from New York University, where he finished third in his class. In 1970 he received a Doctorate In Law from the University of Montana.

Representative Felt served five terms in the Montana House of Representatives, starting in 1955. He was the House Speaker in 1967. He was hired as a budget analyst, and officials in both parties acknowledged Representative Felt as an expert on state finances and Montana tax law. Governor Ted Schwinden called him a "Guru" on the subject and said he had an excellent record for the accuracy of his revenue estimates.

Representative Felt was Chairman of the committee that set up the Constitutional Convention in 1972 and served as a Convention Delegate.

Representative Felt served as past president of the Yellowstone County Bar Association.

His hobbies and interests included chess, Boy Scouts, historical research, mushroom farming, gold, and spectator sports.

Representative Felt held a variety of Montana Republican Party offices, including President and Finance Chairman in the 1960's, precinct and state committeeman and vice-chairman of the state party in the early 1980's. He was a good friend of Barry Goldwater and was also among those who formally greeted President Reagan during his visit to Billings in 1982.

Representative Felt married Margaret Movius in June of 1945. She preceded him in death.

Representative Felt is survived by his daughters, Margaret, Candace and Mary; his sons, Robert, Michael and Douglas.

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That we hereby express our esteem and respect to the memory of the Honorable James R. Felt and extend to the members of his family our sincere sympathy in their great and irreparable loss.

IN MEMORIAM - PETER JOSEPH GILLIGAN, JR.

WHEREAS, it is with deep and sincere sorrow that the members of the House of Representatives of the Fifty-Third Legislative Assembly record the passing of Peter Joseph Gilligan, Jr. in June of 1992 following his collapse at the R. O. Speck Golf Course at the age of 51 years.

WHEREAS, it is fitting and proper that the outstanding record and accomplishments of the late Representative Gilligan be filed on the official records of this Assembly and the following facts relative to his career are hereby noted:

Representative Gilligan was a Great Falls businessman and Democratic legislator. He was one of the community's most popular and visible citizens. He was a teacher and coach in the Great Falls school system for 13 years and became active in politics in the 1970's. He served three terms in the Montana House of Representatives and then served on the Cascade County Fair Board in the 1980's.

Representative Gilligan retired from teaching in 1980 to devote more time to his business. He and a partner owned Pete and Larry's Concessions which operated the food and beverage business at Legion Park and R. O. Speck Golf Course. At the time of his death he owned the Prime Cut Restaurant.

Representative Gilligan was an avid sports fan and an active supporter of golf tournaments.

Nearly 1500 of his closest friends attended a memorial service at Legion Park following his death.

He is survived by his parents, Peter and Idylle Gilligan; wife Clary, a Great Falls teacher; sons, Mike of Shelby, and Kelly of Great Falls; a daughter, Shannon of Great Falls, and a grandson, Sean of Shelby.

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That we hereby express our esteem and respect to the memory of the Honorable Peter Joseph Gilligan, Jr. and extend to the members of his family our sincere sympathy in their great and irreparable loss.

IN MEMORIAM - ARTHUR BYRON GUTHRIE

WHEREAS, it is with deep and sincere sorrow that the members of the House of Representatives of the Fifty-Third Legislative Assembly record the passing of Arthur Byron Guthrie on December 9, 1992, in Billings.

WHEREAS, it is fitting and proper that the outstanding record and accomplishments of the late Representative Guthrie be filed on the official records of this Assembly and the following facts relative to his career are hereby noted:

Representative Arthur Byron Guthrie, known to friends as "Art", was born, raised and schooled in Reed Point, son of Sophia and Lewis Guthrie. He married Margaret Colness on June 22, 1935.

Representative Guthrie attended Eastern Montana College of Education and Rocky Mountain College in Billings and graduated with a Bachelor of Arts degree. He then attended the University of Montana, obtaining a Master of Arts degree. Representative Guthrie dedicated thirty-nine years of his life to educating in Montana, later serving as President of Montana Secondary School Principals.

Upon retiring from education in 1974, he served in the House of Representatives. Art didn't stop there. He went on to work in domestic relations for the District Court for five years and served as Yellowstone County public administrator for eight years.

Representative Guthrie belonged to the American Lutheran Church, DeMolay Legion of Honor, Rimrock Lodge No. 149, Scottish Rite Bodies, Al Bedoo Shrine, Elks Club, Yellowstone Retired Teachers Association and Phi Delta Kappa.

Representative Guthrie is survived by his wife, Margaret; daughter and husband, Gail and Jim Heatherly of Salt Lake City, Utah; son and wife, Mike and Cindy Guthrie of Urbana, Illinois; and a granddaughter, Lisa Guthrie of Urbana, Illinois. Other survivors include a sister and her husband, Lucille and Gene Best of Glasgow; a brother, Robert Guthrie of Phoenix, Arizona; and another brother and wife, Rex and Jean Guthrie of Alamo, Texas.

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That we hereby express our esteem and respect to the memory of the Honorable Arthur Byron Guthrie and extend to the members of his family our sincere sympathy in their great and irreparable loss.



## IN MEMORIAM - LEE HUBING

WHEREAS, it is with deep and sincere sorrow that the members of the House of Representatives of the Fifty-Third Legislative Assembly record the passing of Lee Hubing on March 7, 1993, at his home in Terry at the age of 83.

WHEREAS, it is fitting and proper that the outstanding record and accomplishments of the late Representative Hubing be filed on the official records of this Assembly and the following facts relative to his career are hereby noted:

Representative Lee Hubing was born March 6, 1910, in Marshfield, Wisconsin, the son of William and Daisy Croatt Hubing. He arrived in Montana on June 15, 1915, at the age of five. The Hubings homesteaded on Pasture Creek, which is near Brockway.

Representative Hubing attended grade school in the Brockway area and graduated from Terry High School in 1928. He continued his education at the Rocky Mountain College in Billings.

On May 15, 1933, he and Leone Burton were married in Terry. He served as sheriff of Prairie County for seventeen years and continued to develop his real interest in the livestock business in and around Terry.

Representative Hubing was a member of the Montana Stockgrowers and the American National Cattlemen. He served on the Terry School Board, the Prairie County Hospital Board, as President of the Chamber of Commerce and Rotary Club, and was active in the Roping Club. He was a member of the Range Riders in Miles City, and the Miles City Club. He was also appointed to the State Board of Pardons.

Representative Hubing served three sessions as a member of the House of Representatives.

Representative Hubing is survived by his wife, Leone; four daughters, Benita Nelson, Elinore Lund, Karen Wendland, all of Billings, and Lynda Aldrich of Geneseo, Illinois; nine grandchildren, three great grandchildren; two brothers, Chuck Hubing of Broadus and Greg Hubing of Miles City; and a sister, Lucille Revell of Terry.

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That we hereby express our esteem and respect to the memory of the Honorable Lee Hubing and extend to the members of his family our sincere sympathy in their great and irreparable loss.

## IN MEMORIAM - GLENN E. JACOBSEN

WHEREAS, it is with deep and sincere sorrow that the members of the House of Representatives of the Fifty-Third Legislative Assembly record

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the passing of Glenn E. Jacobsen on June 19, 1992, in Plentywood, at the age of 64.

WHEREAS, it is fitting and proper that the outstanding record and accomplishments of the late Representative Jacobsen be filed on the official records of this Assembly and the following facts relative to his career are hereby noted:

Representative Glenn E. Jacobsen was born on January 22, 1928, in Phoenix, Arizona, and was raised by his aunt and uncle on the family farm west of Reserve, Montana. He graduated from Plentywood High School. He then served in the US Army's 82nd Airborne Division as part of the occupation of Japan. He returned to the family farm and married Bernice Brenteson in 1951, moving back to Plentywood in 1976.

Representative Jacobsen served five terms in the State Legislature, and was serving his second term as Plentywood's Mayor. He also served as Secretary and President of the Montana Grain Growers Association and President of the Sheridan County Conservation District. He had been a Director of the National Wheat Foods Foundation, a past 4-H Leader and a member of the Sheridan County Planning and Improvement Council. He has been the Chairman of the Sheridan County Democratic Central Committee, a Trustee at the Medicine Lake School District, and a member of the Advisory Council to the State Board of Health, representing agriculture.

Representative Jacobsen's hobbies included playing cards and golfing. He was known by his friends and colleagues for his kind and easygoing nature.

Representative Jacobsen is survived by his wife, Bernice; three sons, Bruce and Brian of Reserve, and Glen of Birmingham, Ala.; two daughters, Diane Archer of Plentywood, and Tina Marie Montgomery, Seeley Lake; a brother, Don of White Bear Lake, Minn.; three sisters, Sylvia DeKaye, Cut Bank, Eunice Lodahl, Homestead, and Marlene Wivholm, Oakdale, Minn.; his stepmother, Leona Jacobsen, Plentywood, and eight grandchildren.

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That we hereby express our esteem and respect to the memory of the Honorable Glenn E. Jacobsen and extend to the members of his family our sincere sympathy in their great and irreparable loss.

IN MEMORIAM - JOSEPH F. KANDUCH

WHEREAS, it is with deep and sincere sorrow that the members of the House of Representatives of the Fifty-Third Legislative Assembly record the passing of Joseph F. Kanduch on February 23, 1992, in Anaconda, at the age of 76.

WHEREAS, it is fitting and proper that the outstanding record and accomplishments of the late Representative Kanduch be filed on the official records of this Assembly and the following facts relative to his career are hereby noted:

Representative Joseph E. Kanduch was born on December 20, 1915, in Butte, to Joseph and Mary (Teshal) Kanduch. He graduated in 1935 from Anaconda High School and then attended the School of Mines and the University of Montana, where he studied forestry. He left school to take over the family sawmill business, Joe F. Kandach and Sons Sawmill and Logging. From the 1920's to the 1960's, he felled and hauled the Christmas tree for the Kennedy Commons. He also owned and operated a small cattle and dairy ranch near Elliston while running the sawmill for several years until ill health caused him to retire.

He was a member of the Western State Legislative Task Force.

Representative Kanduch married Karin Erickson of Great Falls in September of 1943.

Representative Kanduch served as a State Representative from District 89 from 1974 to 1981. During that term he served on several committees, including Highways and Transportation, Administration, Agriculture and Labor. He believed strongly in public service. In addition to his terms as a State Legislator, he was a member of the Board of Directors for the Community Hospital of Anaconda, chairing the Planning and Building Committee beginning in 1973.

Representative Kanduch was one of the first Toastmasters in Anaconda, a member of the Exchange Club, the Elks 239, Knights of Columbus, and was active in the Anaconda Catholic Community.

Representative Kanduch is survived by his wife, Karin; sons and daughters-in-law, Joe and Patti Kanduch and Ken and Tammie Kanduch; daughter and son-in-law, Rina and Cory Vollmer; seven grandchildren and three sisters.

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That we hereby express our esteem and respect to the memory of the Honorable Joseph F. Kanduch and extend to the members of his family our sincere sympathy in their great and irreparable loss.

IN MEMORIAM - WILLIAM HARRISON LAUBACH

WHEREAS, it is with deep and sincere sorrow that the members of the House of Representatives of the Fifty-Third Legislative Assembly record the passing of William Harrison Laubach in March of 1992, at the age of 91.

WHEREAS, it is fitting and proper that the outstanding record and accomplishments of the late Representative Laubach be filed on the official

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records of this Assembly and the following facts relative to his career are hereby noted:

Representative William Harrison Laubach, known to most people as "Harry" was born on April 23, 1900, in Eagle Grove, Iowa. His family moved from Borup, Minnesota to a homestead in the Diamond Valley Community east of Dutton in 1910. He attended schools in Dutton, graduating from high school in 1916. He also attended school in Spokane and Montana State College.

Representative Laubach married his first wife, Cora Ann Stoner, on September 21, 1921. She died in 1964. He then married Alice Fowler Meuli in Great Falls in 1976. He owned a successful farm in the Dutton area until 1967, at which time he retired and moved to Great Falls.

Representative Laubach served in the House of Representatives during the 1939 and 1941 sessions. His concern about farming issues prompted him to become politically involved.

He was a community oriented citizen and was active in a variety of community affairs. As a school trustee, President of the Community Club, Secretary/Treasurer of the Dutton Methodist Church, a 4-H leader, assistant Boy Scout leader, cooperatives director, Lions Club District Governor and President of the Sons of the Pioneers, he gave back to the community what he could. He also was a member of Euclid Lodge AF&AM, Scottish Rite of Great Falls, Baghdad Temple Oasis of Butte and Optimist Club.

Representative Laubach is survived by his widow, Alice; a daughter, Edith of Colorado; sons, Glen of Great Falls, Harry Jr. of Kailua, Hawaii, and Vernon of Spokane; nine grandchildren, nineteen great-grandchildren, and two great-great grandchildren. He also is survived by a sister, Annie, of Washington. He was preceded in death by two sisters.

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That we hereby express our esteem and respect to the memory of the Honorable William Harrison Laubach and extend to the members of his family our sincere sympathy in their great and irreparable loss.

IN MEMORIAM - CATHARINE CALK MCCARTY

WHEREAS, it is with deep and sincere sorrow that the members of the House of Representatives of the Fifty-Third Legislative Assembly record the passing of Catharine Calk McCarty on April 6, 1991, at the age of 107.

WHEREAS, it is fitting and proper that the outstanding record and accomplishments of the late Representative McCarty be filed on the official records of this Assembly and the following facts relative to her career are hereby noted:



Representative Catharine Calk McCarty was born in the bluegrass state of Kentucky in 1883 and homesteaded near Jordan, Montana before 1920. She married Albert J. McCarty of Glendive in 1921 and they raised their daughter there. Albert preceded Catharine in death.

Representative McCarty is remembered by many as never acting her age; she was always young at heart, seeking ways to help her fellow man. She was very active throughout her whole life. She was involved in community and civic organizations. In 1956, she was Montana Businesswoman of the Year. She served as the homeservice chairman for the Red Cross to the military for more than 50 years. During a period of five years, Catharine filed claims as part of her position with the Red Cross. Another aspect of her position with Red Cross required Catharine to meet every train that carried a troop, whether they stayed in Glendive or not. Her duties included helping any soldier who needed assistance, and for someone as dedicated as Catharine this was within the call of duty. She enjoyed this part of her Red Cross service tremendously.

Representative McCarty served in the Montana Legislature from 1923-1925. She was a state Democratic committeewoman and a tremendous admirer of President Franklin Delano Roosevelt. She was also the Eastern Montana Campaign Manager for Mike Mansfield's campaign.

The Glendive radio and television station featured talk shows by Catharine McCarty. She was extremely dedicated to the Glendive community and was a tireless champion of human rights.

Her donation of considerable acreage provided the nucleus for what is now Montana's largest park, Makoshika State Park.

Although she passed away April 6, 1991, at the age of 107, Catharine never quit helping her fellow man. She made significant impacts on the people of Glendive and Montana.

Representative McCarty is survived by a daughter, Jerree Scheitlin of Phoenix; a sister, Francis Kelly of Lexington, Kentucky; three grandchildren and six great-grandchildren.

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That we hereby express our esteem and respect to the memory of the Honorable Catharine Calk McCarty and extend to the members of her family our sincere sympathy in their great and irreparable loss.

IN MEMORIAM - JAMES H. MORROW

WHEREAS, it is with deep and sincere sorrow that the members of the House of Representatives of the Fifty-Third Legislative Assembly record the passing of James H. "Jimmy" Morrow, a prominent Bozeman attorney, on April 5, 1992, at the age of 83.

WHEREAS, it is fitting and proper that the outstanding record and accomplishments of the late Representative Morrow be filed on the official records of this Assembly and the following facts relative to his career are hereby noted:

Representative James H. "Jimmy" Morrow was born August 26, 1908, in Fargo, North Dakota and graduated from Moore High School at the age of 15. He then went on to become a star college athlete, earning seven varsity letters and being inducted into the Grizzly Football Hall of Fame in 1984.

After college, he turned down an opportunity to play for the Portsmouth, Ohio Spartans (now known as the Detroit Lions) of the NFL. He chose to teach and coach in Three Forks, Montana.

Representative Morrow coached freshman football teams at both of Montana's universities. In 1930 he coached for the University of Montana, and in 1938 he coached for Montana State University.

Representative Morrow completed his athletic career by becoming "just as bad a golfer as Norm Wallin!"

Representative Morrow served one term in the Montana House of Representatives in 1942, before nearly half of the current House members were born. He was active in Republican politics and managed the successful Senate campaign of Zales N. Eaton, the first Republican to win a Senate race by popular vote in the state of Montana. In 1959, Representative Morrow ran for the US Senate, Western District, but lost in the primary to Orvin Fjare of Big Timber.

Representative Morrow practiced law in Bozeman from 1934 until the time of his death, interrupted only by three and a half years with the FBI, during WW II, when he served as a special agent and filled assignments in many parts of the United States. One of his investigations led him to a very suspicious large apparatus on a mountainside near Kalispell. It turned out to be a Japanese balloon with a bomb attached.

In June of 1935, Representative Morrow married Mary Frances Spain of Bozeman. She preceded him in death in February of 1991.

Representative Morrow is survived by two daughters, Marian Murphy of Tacoma, Washington, and Shirley Sedivy of Bozeman; six grandchildren and one great-grandson.

Memorials made in Representative Morrow's name to both the Montana State University Athletic Scholarship Association and the Grizzly Athletic Association bear silent witness to the spirit of cooperation that marked his legislative service.

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That we hereby express our esteem and respect to the memory of the Honorable James H. Morrow and extend to the members of his family our sincere sympathy in their great and irreparable loss.

IN MEMORIAM - GEORGE W. O'CONNOR

WHEREAS, it is with deep and sincere sorrow that the members of the House of Representatives of the Fifty-Third Legislative Assembly record the passing of George W. O'Connor, on July 18, 1991, at his home, at the age of 87.

WHEREAS, it is fitting and proper that the outstanding record and accomplishments of the late Representative O'Connor be filed on the official records of this Assembly and the following facts relative to his career are hereby noted:

Representative George W. O'Connor was a Republican member of the Montana House of Representatives from Carbon County. He served nine sessions between 1935 and 1953 and as House Speaker in 1943 and 1945.

Representative O'Connor worked in the Fromberg area with mercantile and ranching related business connected to the family enterprise. He also served as town clerk and treasurer. He joined Montana Power in 1957 as the Executive Assistant, and was elected as a company vice-president in charge of operations in 1959; president, chief operating officer and board member in 1967; and became the utility's chief executive as well as president in 1973.

Representative O'Connor served as an officer and director of Western Energy Co., Northwestern Resources Co., Atlanta Exploration Co., and North American Resources Co., which developed into Entech Inc. He served as a director of the Edison Electric Institute, National Association of Manufacturers, and Pacific Northwest Power Company. He served as chairman of the Montana International Trade Commission, Montana Energy Research & Development Institute, and was a member of the Governor's Task Force on Coal Gasification Research. He served as a director and president of the Butte Chamber of Commerce, Clark's Fork National Bank of Fromberg and Miner's Bank of Butte. He also served as a director of Bancorporation of Montana, World Museum of Mining and the Montana Historical Society.

Representative O'Connor is survived by two sons, Bill and Joseph of Butte; and one sister, Marie Pedersen of Fromberg.

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That we hereby express our esteem and respect to the memory of the Honorable George W. O'Connor and extend to the members of his family our sincere sympathy in their great and irreparable loss.



IN MEMORIAM - MAURICE "SONNY" POWERS

WHEREAS, it is with deep and sincere sorrow that the members of the House of Representatives of the Fifty-Third Legislative Assembly record the passing of Maurice "Sonny" Powers, a freshman legislator the same session as our own Francis Bardanouve a mere 34 years ago, on January 15, 1992.

WHEREAS, it is fitting and proper that the outstanding record and accomplishments of the late Representative Powers be filed on the official records of this Assembly and the following facts relative to his career are hereby noted:

Representative Maurice "Sonny" Powers was born in Butte in 1909 and attended local schools. He began working in the mines of Silver Bow County at the young age of 16. He married Avis Prisk of Butte and had two daughters before she passed on in 1946. He later married Mary Schulte of Butte in 1958.

Representative Powers was active in the Mine-Mill and Smelter Workers Union, Butte Local No. 1, and held various offices. He was also a representative of the International Union. He worked his adult life for, and retired from, the Anaconda Company in 1972.

Representative Powers lived in Whitehall the last few years before his retirement. He was active in Whitehall senior citizens groups and served as president of several of those groups. He helped build senior citizens housing and was a founder of the Montana People's Association involved with the Twin Bridges Project. In 1972, Governor Tom Judge named Representative Powers "Senior Citizen of the Year."

Representative Powers and his wife moved to East Helena in 1986, where he was a member of St. Cyril and Methodius Catholic Parish and the Montana Senior Citizens Association.

Representative Powers is survived by his wife, Mary; his two daughters; and a stepson and stepdaughter. His legacy will live on through those who survive him, those who knew him, and by all citizens of Montana whose benefit it was to have him serve in the Montana House of Representatives.

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That we hereby express our esteem and respect to the memory of the Honorable Maurice "Sonny" Powers and extend to the members of his family our sincere sympathy in their great and irreparable loss.

IN MEMORIAM - L. E. "GENE" WOOD

WHEREAS, it is with deep and sincere sorrow that the members of the House of Representatives of the Fifty-Third Legislative Assembly record



the passing of L. E. "Gene" Wood, on July 26, 1991, in Glendive, at the age of 73.

WHEREAS, it is fitting and proper that the outstanding record and accomplishments of the late Representative Wood be filed on the official records of this Assembly and the following facts relative to his career are hereby noted:

Representative L. E. "Gene" Wood was born April 16, 1918, in McLean County, North Dakota. He attended schools in Minot and graduated in 1942 with a degree in civil engineering from the University of North Dakota in Grand Forks.

Representative Wood was married to Lillian Sjolund on June 1, 1941, in Grand Forks. The couple raised four sons and four daughters.

During World War II Representative Wood served in the Navy, assigned to the Pacific Theater. Following his military service, he returned to North Dakota to work with his father in Minot. In 1954 he moved his family to Glendive, where he opened his own sand and gravel ready mix business. He operated that business until his retirement in 1990.

Representative Wood began his political career with the Montana House of Representatives in 1975 and served three terms. He served on the Appropriations Committee during all three terms, 1975, 1977, and 1979, under Francis Bardanouve, Chairman. He also served on the Business and Industry Committee for the 1975 session and the Highways and Transportation Committee for his remaining two terms.

In addition to his service in the Legislature, Gene was a member of the Dawson Community College Board for ten years and also a board member for the Enterprise Network Radio Stations.

Representative Wood is survived by his wife, Lillian; eight children; eighteen grandchildren; a brother and two sisters.

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That we hereby express our esteem and respect to the memory of the Honorable L. E. "Gene" Wood and extend to the members of his family our sincere sympathy in their great and irreparable loss.

IN MEMORIAM - HAROLD A. WYRICK

WHEREAS, it is with deep and sincere sorrow that the members of the House of Representatives of the Fifty-Third Legislative Assembly record the passing of Harold A. Wyrick on November 2, 1992, at the Fallon County Medical Complex in Baker.

WHEREAS, it is fitting and proper that the outstanding record and accomplishments of the late Representative Wyrick be filed on the official

records of this Assembly and the following facts relative to his career are hereby noted:

Representative Harold A. Wyrick was born April 28, 1910, in Kansas, to Hans William and Myrtle A. Richerson Wyrick. In 1921, he and his family moved to Montana. He married Sarah Young in Forsyth in 1935.

Representative Wyrick served for three terms as a member of the Montana House of Representatives from District 56, Baker.

Representative Wyrick donated much time and energy to worthy causes and was very active within the community of Baker. He was past president of the Fallon County Farm Bureau, a representative of the Montana Stockgrowers Association, not only at the state level, but national level as well. He was a volunteer 4-H leader, Baker livestock director, ASCS committeeman, and a member of St. John's Catholic Church. He was also a volunteer member of the Knights of Columbus and Republican party.

Representative Wyrick not only had an impressive professional resume, but he also enjoyed ranching, fishing, playing cards, and reading.

Representative Wyrick is survived by his wife, Sarah; four sons, Dale of Helena, Jim of Boulder, Don of Baker, Ken of Amery, WI; four daughters, Anna Salvo of Dillon, Jean Gonsioroski and Dorothy Beckers of Baker, Sarah Maynard of Butte; thirty-seven grandchildren and thirty great-grandchildren.

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That we hereby express our esteem and respect to the memory of the Honorable Harold A. Wyrick and extend to the members of his family our sincere sympathy in their great and irreparable loss.

#### **ANNOUNCEMENTS**

Committee meetings were announced by committee chairmen.

Representative Grinde moved the House adjourn until 1:00 p.m., Tuesday, April 6, 1993. Motion carried.

House adjourned at 3:03 p.m.

John Mercer, Speaker

Marilyn Miller, Chief Clerk



## SEVENTY-SEVENTH LEGISLATIVE DAY

Helena, Montana  
April 6, 1993

House Chambers  
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Representative Stanford. Pledge of Allegiance to the Flag.

Roll call. All members present. Quorum present.

Mr. Speaker: We, your committee on Legislative Administration/Bills and Journal, having examined the daily journals for the seventy-third, seventy-fourth and seventy-fifth legislative days, find the same to be correct.

Harriet Hayne, Chairman

### REPORTS OF STANDING COMMITTEES

BILLS (Hayne, Chairman):

4/6/93

Correctly engrossed for third reading: HJR 28.

Correctly enrolled: HB 132, HB 144, HB 191, HB 228, HB 238, HB 278, HB 315, HB 355, HB 357, HB 368, HB 394, HB 421, HB 448, HB 454, HB 474, HB 481, HB 503, HB 512, HB 528, HB 536, HB 541, HB 550, HB 571, HB 574, HB 575, HB 592, HB 632, HB 635, HB 656, HB 659.

Examined by the sponsor and found to be correct:

HB 132 - Wyatt  
HB 144 - Stanford  
HB 191 - Strizich  
HB 228 - Toole  
HB 238 - Smith  
HB 278 - Bardanouve  
HB 315 - Simon  
HB 355 - Harper  
HB 357 - Fagg  
HB 368 - Wyatt  
HB 394 - Benedict  
HB 421 - Strizich  
HB 448 - Orr  
HB 454 - Vogel  
HB 474 - Peterson  
HB 481 - Wyatt  
HB 503 - Ream  
HB 512 - Gilbert  
HB 528 - Tuss  
HB 536 - Tuss  
HB 541 - L. Nelson  
HB 550 - Bergman  
HB 571 - Brown  
HB 574 - J. Rice  
HB 575 - DeBruycker  
HB 592 - Grimes  
HB 632 - Molnar  
HB 635 - Fagg  
HB 656 - R. Johnson  
HB 659 - Peterson  
HJR 2 - Hayne



HJR 6 - Pavlovich

BUSINESS AND ECONOMIC DEVELOPMENT (Benedict, Chairman):

4/6/93

**SB 373**, third reading copy, be concurred in. Report adopted.

EDUCATION AND CULTURAL RESOURCES (H. S. Hanson, Chairman):

4/5/93

**HJR 29**, introduced bill, do pass. Report adopted.**MESSAGES FROM THE SENATE**

House bill concurred in and returned to the House:

4/5/93

**HB 641**, introduced by Foster

House amendments to Senate bills concurred in:

4/5/93

**SB 71**, introduced by Towe**SB 77**, introduced by Swysgood**SB 78**, introduced by Gage**SB 119**, introduced by Halligan**SB 153**, introduced by Doherty**SB 189**, introduced by Doherty**SB 217**, introduced by Grosfield**SB 223**, introduced by Bartlett**SB 278**, introduced by Christiaens**SJR 20**, introduced by Yellowtail**FIRST READING AND COMMITMENT  
OF BILLS AND RESOLUTIONS**

The following House joint resolution was introduced, read first time, and referred to committee:

**HJR 30**, introduced by Ream, Halligan, referred to Committee on Taxation

Representative Grinde moved the House recess until 2:00 p.m. Motion carried.

House recessed at 1:10 p.m.

House reconvened at 2:03 p.m. Mr. Speaker in the Chair.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Fisher in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

April 6, 1993

**HB 220** - Representative Simon moved Senate amendments to HB 220 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 96

Noes: DeBruycker.

Total 1

Excused: None.

Total 0

Absent or not voting: Bardanouve, Gilbert, Stovall.

Total 3

**HB 233** - Representative Benedict moved Senate amendments to HB 233 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 96

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: Bardanouve, Gervais, Gilbert, Tuss.

Total 4

**HB 301** - Representative Wyatt moved Senate amendments to HB 301 be not concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 99

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: Gilbert.

Total 1

**HB 318** - Representative S. Rice moved Senate amendments to HB 318 be concurred in. Motion carried as follows:

Ayes: Anderson, Bardanouve, Barnett, Barnhart, Bergman, Bird, Bohlinger, Brandewie, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Grady, Grimes, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Larson, McCaffree, McCarthy, McCulloch, Menahan, Mills, L. Nelson, T. Nelson, Pavlovich, Quilici, Raney, Ream, J. Rice, S. Rice, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 80

Noes: Bachini, Benedict, Bergsagel, Boharski, Cobb, DeBruycker, Feland, Kasten, Mason, Molnar, Orr, Peck, Peterson, Rehbein, Rose, Spring, Vogel.

Total 17

Excused: None.

Total 0

Absent or not voting: Gilbert, Grinde, Hayne.

Total 3

**HB 335** - Representative Toole moved Senate amendments to HB 335 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Grady, Grimes, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 95

Noes: DeBruycker, Herron, Peterson.  
Total 3

Excused: None.  
Total 0

Absent or not voting: Gilbert, Grinde.  
Total 2

**HB 346** - Representative Benedict moved Senate amendments to HB 346 be not concurred in. Motion carried as follows:

Ayes: Anderson, Barnett, Benedict, Bergman, Bergsagel, Boharski, Bohlinger, Brandewie, Clark, Cobb, Daily, Davis, DeBruycker, Dolezal, Elliott, Ellis, Endy, Fagg, Feland, Fisher, Foster, Galvin, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kasten, Keller, Knox, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peterson, Quilici, Rehbein, J. Rice, S. Rice, Rose, Sayles, Schye, Simon, Simpkins, Smith, Spring, Stovall, Swanson, Tash, Tunby, Vogel, Wagner, Wallin, Wiseman, Zook, Mr. Speaker.  
Total 69

Noes: Bachini, Bardanouve, Barnhart, Bird, Brooke, Brown, Cocchiarella, Dowell, Driscoll, Ewer, Gervais, Hansen, Harper, Kadas, Larson, Peck, Raney, Ream, Russell, Ryan, Schwinden, Squires, Stanford, Strizich, Toole, Tuss, Wanzenried, Whalen, Winslow, Wyatt.  
Total 30

Excused: None.  
Total 0

Absent or not voting: Gilbert.  
Total 1



**HB 367** - Representative Wyatt moved Senate amendments to HB 367 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 99

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: Gilbert.

Total 1

**HB 374** - Representative Ewer moved Senate amendments to HB 374 be concurred in. Motion carried as follows:

Ayes: Bachini, Bardanouve, Barnhart, Benedict, Bergman, Bergsagel, Bird, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Galvin, Gervais, Grady, Grimes, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook.

Total 87

Noes: Anderson, Barnett, Boharski, DeBruycker, Feland, Foster, Grinde, Herron, Keller, Peterson, Rehbein.

Total 11

Excused: None.

Total 0

Absent or not voting: Gilbert, Mr. Speaker.

Total 2

Representative Grinde assumed the Chair at this time.

**HB 375** - Representative Brandewie moved Senate amendments to HB 375 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 98

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: Gilbert, Hibbard.

Total 2

**HB 405** - Representative Fisher moved Senate amendments to HB 405 be not concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Boharski, Bohlinger, Brandewie, Clark, Cobb, Daily, Davis, DeBruycker, Ellis, Endy, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Mason, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Rehbein, J. Rice, Rose, Russell, Sayles, Schwinden, Simon, Simpkins, Smith, Spring, Stovall, Tash, Toole, Tunby, Vogel, Wagner, Wallin, Whalen, Winslow, Wiseman, Zook, Mr. Speaker.

Total 75

Noes: Bird, Brooke, Brown, Cocchiarella, Dolezal, Dowell, Driscoll, Elliott, Ewer, Hansen, Harper, Larson, McCaffree, Ream, S. Rice, Ryan, Schye, Squires, Stanford, Strizich, Swanson, Tuss, Wanzenried, Wyatt.

Total 24

Excused: None.

Total 0

Absent or not voting: Gilbert.

Total 1

Representative Fisher resumed the Chair at this time.

**HB 419** - Representative Grady moved Senate amendments to HB 419 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Grady, Grimes, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 97

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: Gilbert, Grinde, Strizich.

Total 3

**HB 422** - Representative Larson moved Senate amendments to HB 422 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnhart, Benedict, Bergman, Bergsagel, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Gervais, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, J. Johnson, R. Johnson, Kadas, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Smith, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Wagner, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 83

Noes: Barnett, Bird, Boharski, DeBruycker, Feland, Galvin, Herron, Kasten, Keller, Mills, Peterson, Rehbein, Simpkins, Spring, Vogel, Wallin.

Total 16

Excused: None.

Total 0

Absent or not voting: Gilbert.

Total 1

April 6, 1993

**HB 442** - Representative Knox moved Senate amendments to HB 442 be not concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kasten, Keller, Knox, Larson, Mason, McCarthy, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peterson, Quilici, Raney, Rehbein, J. Rice, S. Rice, Rose, Russell, Sayles, Schye, Simon, Simpkins, Smith, Spring, Squires, Stovall, Tash, Tunby, Vogel, Wagner, Wallin, Wanzenried, Winslow, Wiseman, Zook, Mr. Speaker.

Total 80

Noes: Bardanouve, Cocchiarella, Hansen, Harper, Kadas, McCaffree, McCulloch, Menahan, Peck, Ream, Ryan, Schwinden, Stanford, Strizich, Swanson, Toole, Tuss, Whalen, Wyatt.

Total 19

Excused: None.

Total 0

Absent or not voting: Gilbert.

Total 1

**HB 482** - Representative Bohlinger moved Senate amendments to HB 482 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Boharski, Bohlinger, Brandewie, Brooke, Cobb, Cocchiarella, Daily, Davis, Dolezal, Ellis, Endy, Ewer, Fagg, Fisher, Galvin, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Mills, L. Nelson, T. Nelson, Orr, Peck, Quilici, Raney, Ream, Rehbein, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Wagner, Wallin, Wiseman, Wyatt, Mr. Speaker.

Total 74

Noes: Bergsagel, Bird, Brown, Clark, DeBruycker, Dowell, Driscoll, Elliott, Feland, Foster, Gervais, Herron, Keller, Menahan, Molnar, Pavlovich, Peterson, J. Rice, Squires, Tuss, Vogel, Wanzenried, Whalen, Winslow.

Total 24

Excused: None.

Total 0

Absent or not voting: Gilbert, Zook.

Total 2



**HB 525** - Representative J. Rice moved Senate amendments to HB 525 be not concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 95

Noes: DeBruycker, Feland, Kasten.

Total 3

Excused: None.

Total 0

Absent or not voting: Gilbert, Tunby.

Total 2

**HB 532** - Representative Tunby moved Senate amendments to HB 532 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergsagel, Bird, Bohlinger, Brandewie, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook.

Total 93

Noes: Bergman, Boharski, Cobb, DeBruycker, Smith.

Total 5

Excused: None.

Total 0

Absent or not voting: Gilbert, Mr. Speaker.

Total 2

**HB 537** - Representative Bardanouve moved Senate amendments to HB 537 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook.  
Total 93

Noes: Herron, Kasten, Peterson, Rehbein, Sayles.  
Total 5

Excused: None.  
Total 0

Absent or not voting: Gilbert, Mr. Speaker.  
Total 2

**HB 548** - Representative Strizich moved Senate amendments to HB 548 be concurred in.

Representative Driscoll made a substitute motion Senate amendments to HB 548 be not concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Barnett, Benedict, Bergsagel, Bird, Boharski, Brown, Cobb, Daily, Davis, DeBruycker, Dolezal, Driscoll, Elliott, Endy, Feland, Fisher, Foster, Gilbert, Grady, Grinde, H.S. Hanson, Harrington, Hayne, Hibbard, J. Johnson, Kasten, Knox, Larson, Mason, McCaffree, McCarthy, Menahan, L. Nelson, T. Nelson, Orr, Pavlovich, Peterson, Quilici, Rehbein, Ryan, Simon, Simpkins, Smith, Squires, Stovall, Tash, Toole, Tunby, Wagner, Wallin, Whalen, Wyatt, Zook, Mr. Speaker.  
Total 56

Noes: Bardanouve, Barnhart, Bergman, Bohlinger, Brooke, Clark, Cocchiarella, Dowell, Ellis, Ewer, Fagg, Galvin, Gervais, Grimes, Hansen, M. Hanson, Harper, Herron, R. Johnson, Kadas, Keller, McCulloch, Mills, Molnar, Peck, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Sayles, Schwinden, Schye, Spring, Stanford, Strizich, Swanson, Tuss, Vogel, Wanzenried, Winslow, Wiseman.  
Total 43

Excused: None.  
Total 0

Absent or not voting: Brandewie.

Total 1

Representative Grinde moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman Fisher moved the adoption of the committee report. Report adopted. (87-12)

### MOTIONS

Representative Grinde moved the Speaker be authorized to appoint a conference committee to meet with a like committee from the Senate to confer on Senate amendments to HB 121. Motion carried.

Mr. Speaker appointed the following members:

Representative Fagg, Chairman  
Representative Tash  
Representative Harper

Representative Grinde moved the Speaker be authorized to appoint a conference committee to meet with a like committee from the Senate to confer on Senate amendments to HB 301. Motion carried.

Mr. Speaker appointed the following members:

Representative Sayles, Chairman  
Representative Wyatt  
Representative Bergman

Representative Grinde moved the Speaker be authorized to appoint a conference committee to meet with a like committee from the Senate to confer on Senate amendments to HB 346. Motion carried.

Mr. Speaker appointed the following members:

Representative Benedict, Chairman  
Representative J. Rice  
Representative Bachini

Representative Grinde moved the Speaker be authorized to appoint a conference committee to meet with a like committee from the Senate to confer on Senate amendments to HB 405. Motion carried.

Mr. Speaker appointed the following members:

Representative Fisher, Chairman  
Representative Bergman  
Representative McCulloch

Representative Grinde moved the Speaker be authorized to appoint a conference committee to meet with a like committee from the Senate to confer on Senate amendments to HB 442. Motion carried.

Mr. Speaker appointed the following members:

Representative Knox, Chairman  
Representative Gilbert  
Representative Bird

Representative Grinde moved the Speaker be authorized to appoint a conference committee to meet with a like committee from the Senate to confer on Senate amendments to HB 525. Motion carried.

Mr. Speaker appointed the following members:

Representative J. Rice, Chairman  
Representative Kadas  
Representative Tash

Representative Grinde moved to suspend all applicable rules to allow consideration of all Senate revenue bills on second and third reading on the same legislative day. Motion carried.

Representative Grinde moved the rules be suspended to allow receipt of committee reports from the Taxation Committee anytime on April 8th or 9th. Motion carried.

Representative Grinde moved the rules be suspended to allow receipt of Senate amendments to House Appropriation and Revenue bills on or before the eighty-third legislative day. Motion carried.

### **ANNOUNCEMENTS**

Committee meetings were announced by committee chairmen.

Representative Grinde moved the House adjourn until 1:30 p.m., Wednesday, April 7, 1993. Motion carried.

House adjourned at 3:10 p.m.

John Mercer, Speaker

Marilyn Miller, Chief Clerk





## SEVENTY-EIGHTH LEGISLATIVE DAY

Helena, Montana  
April 7, 1993

House Chambers  
State Capitol

House convened at 1:30 p.m. Mr. Speaker in the Chair. Invocation by Representative T. Nelson. Pledge of Allegiance to the Flag.

Roll call. All members present except Gervais, S. Rice, Winslow, excused. Quorum present.

### REPORTS OF STANDING COMMITTEES

BILLS (Hayne, Chairman): 4/7/93

Correctly printed for second reading: HJR 29.

Correctly enrolled: HB 97, HB 139, HB 170, HB 222, HB 281, HB 283, HB 288, HB 307, HB 317, HB 358, HB 395, HB 397, HB 401, HB 410, HB 423, HB 431, HB 443, HB 445, HB 472, HB 494, HB 500, HB 507, HB 510, HB 526, HB 549, HB 606, HB 609, HB 638, HB 648, HJR 13, HJR 17.

Examined by the sponsor and found to be correct: 4/6/93

HB 97 - Quilici  
HB 139 - Grinde  
HB 170 - Gilbert  
HB 222 - Stanford  
HB 281 - Grady  
HB 283 - Elliott  
HB 288 - Feland  
HB 307 - DeBruycker  
HB 317 - Gilbert  
HB 358 - Barnett  
HB 395 - Foster  
HB 397 - McCulloch  
HB 401 - Kadas  
HB 410 - Simpkins  
HB 423 - Gilbert  
HB 431 - Strizich  
HB 443 - McCulloch  
HB 445 - McCulloch  
HB 472 - Wallin  
HB 494 - Dowell  
HB 500 - Mercer  
HB 507 - Sayles  
HB 510 - Hansen  
HB 526 - Brandewie  
HB 549 - Peterson  
HB 606 - Ellis  
HB 609 - Wanzenried  
HB 638 - Grimes  
HB 648 - Anderson  
HJR 13 - Barnhart  
HJR 17 - Smith

Signed by the Speaker at 5:00 p.m., 4/6/93: HB 132, HB 144, HB 191, HB 228, HB 238, HB 278, HB 315, HB 355, HB 357, HB 368, HB 394, HB 421, HB 448, HB 454, HB 474, HB 481, HB 503, HB 512, HB 528, HB 536, HB 541, HB 550, HB 571, HB 574,

HB 575, HB 592, HB 632, HB 635, HB 656, HB 659, HJR 2,  
HJR 6, SB 104, SB 157, SB 229.

APPROPRIATIONS (Zook, Chairman):

4/7/93

**HJR 27**, introduced bill, be amended as follows:

1. Page 1, line 14.

Strike: "175"

Insert: "90"

2. Page 1, line 24 through page 2, line 1.

Following: "Montana" on page 1, line 24

Strike: the remainder of page 1, line 24 through the first "Montana" on  
page 2, line 1

3. Page 2, line 6.

Following: "has"

Strike: "made some drastic"

Insert: "considered substantial"

4. Page 2, lines 20 through 23.

Strike: lines 20 through 23 in their entirety

5. Page 4, lines 3 through 16.

Following: "the" on line 3

Strike: the remainder of line 3 through line 16

Insert: "interim committee be appointed in the manner provided for in  
section 5-5-211, MCA."

And, as amended, do pass. Report adopted.

**SB 378**, third reading copy, be amended as follows:

1. Title, line 10.

Following: "ACCOUNTS"

Insert: "AND STATUTORY APPROPRIATIONS"

2. Page 4, line 11.

Following: "(3)"

Insert: "and review statutory appropriations assigned by the legislature"

3. Page 6, line 4.

Following: line 3

Insert: "(5) The committee shall review statutory appropriations to  
determine if the appropriation should be made by a legislative  
appropriation. During the 1995 biennium, the committee shall  
review the statutory appropriation of administrative costs in 75-11-  
313."

And, as amended, be concurred in. Report adopted.

LOCAL GOVERNMENT (Wallin, Chairman):

4/6/93

**SB 106**, third reading copy, be concurred in. Report adopted.

**MESSAGES FROM THE SENATE**

House bill concurred in and returned to the House: 4/6/93

**HB 393**, introduced by Wagner

Senate joint resolution passed and transmitted to the House for concurrence: 4/6/93

**SJR 29**, introduced by Weeding

House amendments to Senate bills concurred in: 4/6/93

**SB 81**, introduced by Crippen

**SB 91**, introduced by Christiaens

**SB 256**, introduced by Swysgood

**SB 258**, introduced by Harp

**SB 280**, introduced by Grosfield

**SB 288**, introduced by Fritz

**SB 292**, introduced by Fritz

**SB 313**, introduced by Towe

**SB 314**, introduced by Christiaens

**SB 316**, introduced by Towe

**SB 318**, introduced by Weldon

**SB 323**, introduced by Christiaens

**SB 332**, introduced by Weldon

**SB 334**, introduced by Beck

**SB 339**, introduced by Weeding

**SB 347**, introduced by Harp

**SB 381**, introduced by Forrester

House amendments to Senate bills not concurred in: 4/3/93

**SB 15**, introduced by Blaylock

**SB 23**, introduced by Aklestad

**SB 32**, introduced by Blaylock

**SB 72**, introduced by Devlin

**SB 98**, introduced by Rea

**SB 145**, introduced by Waterman

**SB 252**, introduced by Hertel

House amendments to Senate bills not concurred in: 4/5/93

**SB 94**, introduced by Keating

**SB 310**, introduced by Rea

**SB 342**, introduced by Wilson

**SB 394**, introduced by Harp

House amendments to Senate bills not concurred in: 4/6/93

**SB 285**, introduced by Franklin

**SB 311**, introduced by Jergeson



Governor's amendments concurred in:

4/6/93

**SB 192**, introduced by Waterman**MESSAGES FROM THE GOVERNOR**The Honorable John Mercer  
Speaker of the House  
State Capitol  
Helena, Montana 59620

April 6, 1993

Dear Representative Mercer:

Please be informed that I have signed House Bill 408 on April 6, 1993.

Sincerely,

MARC RACICOT  
Governor**FIRST READING AND COMMITMENT  
OF BILLS AND RESOLUTIONS**

The following Senate joint resolution was introduced, read first time, and referred to committee:

**SJR 29**, introduced by Weeding, Weldon, Bianchi, McCaffree, J. Johnson, Wanzenried, Schye, Schwinden, Hockett, Yellowtail, Dolezal, Doherty, Forrester, Fagg, referred to Committee on Natural Resources**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Pavlovich in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HJR 29** - Representative Dolezal moved HJR 29 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich,

Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 97

Noes: Feland, Gilbert.  
Total 2

Voted Absentee: Gervais, S. Rice, Winslow, Ayes.

Excused: None.  
Total 0

Absent or not voting: Grady.  
Total 1

**SB 87** - Representative Simpkins moved consideration of SB 87 be passed for the day. Motion carried.

**SB 118** - Representative Boharski moved consideration of SB 118 be passed for the day. Motion carried.

**SB 373** - Representative Mills moved SB 373 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gilbert, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 96

Noes: Boharski.  
Total 1

Voted Absentee: S. Rice, Winslow, Ayes.

Excused: Gervais.  
Total 1

Absent or not voting: Hansen, Stovall.  
Total 2

**HB 567** - Representative Foster moved Senate amendments to HB 567 be concurred in. Motion carried as follows:

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Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Grady, Grimes, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, L. Nelson, T. Nelson, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 88

Noes: Benedict, Bergsagel, Clark, DeBruycker, Feland, Gilbert, Orr, Rehbein, Wagner.

Total 9

Voted Absentee: S. Rice, Winslow, Ayes.

Excused: Gervais.

Total 1

Absent or not voting: Grinde, Molnar.

Total 2

**HJR 14** - Representative Wagner moved Senate amendments to HJR 14 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gilbert, Grady, Grinde, Hansen, H.S. Hanson, M. Hanson, Harrington, Hayne, Herron, Hibbard, J. Johnson, Kadas, Kasten, Keller, Knox, Mason, McCarthy, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Zook, Mr. Speaker.

Total 88

Noes: Bergsagel, Feland, Grimes, R. Johnson, Larson, McCaffree, McCulloch, Peck.

Total 8

Voted Absentee: S. Rice, Winslow, Ayes.

Excused: Gervais.

Total 1

Absent or not voting: Harper, Strizich, Wyatt.

Total 3

**HJR 15** - Representative Bardanouve moved Senate amendments to HJR 15 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 97

Noes: Molnar, Spring.  
Total 2

Voted Absentee: S. Rice, Winslow, Ayes.

Excused: Gervais.  
Total 1

Absent or not voting: None.  
Total 0

**HB 308** - Representative Kasten moved Senate amendments to HB 308 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Driscoll, Elliott, Ellis, Endy, Ewer, Feland, Foster, Galvin, Gilbert, Grady, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Larson, Mason, McCarthy, McCulloch, Menahan, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 87

Noes: Dowell, Fagg, Fisher, Grimes, Grinde, Herron, Knox, McCaffree, Molnar, L. Nelson, Rehbein.  
Total 11

Voted Absentee: S. Rice, Winslow, Ayes.

Excused: Gervais.  
Total 1



Absent or not voting: Mills.

Total 1

**HB 416** - Representative Strizich moved Senate amendments to HB 416 be concurred in.

Representative Grimes made a substitute motion Senate amendments to HB 416 be not concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Barnett, Benedict, Bergman, Bergsagel, Bird, Boharski, Brandewie, Clark, Cobb, DeBruycker, Ellis, Feland, Foster, Gilbert, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Herron, R. Johnson, Kasten, Keller, Knox, Mason, Mills, Molnar, T. Nelson, Orr, Peck, Peterson, Rehbein, J. Rice, Rose, Sayles, Simon, Simpkins, Smith, Spring, Stovall, Tash, Tunby, Vogel, Wagner, Wallin, Whalen, Wiseman, Zook, Mr. Speaker.

Total 51

Noes: Bardanouve, Barnhart, Bohlinger, Brooke, Brown, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Endy, Ewer, Fagg, Fisher, Galvin, Gervais, Grady, Hansen, Harper, Harrington, Hibbard, J. Johnson, Kadas, Larson, McCaffree, McCarthy, McCulloch, Menahan, L. Nelson, Pavlovich, Quilici, Raney, Ream, S. Rice, Russell, Ryan, Schwinden, Schye, Squires, Stanford, Strizich, Swanson, Toole, Tuss, Wanzenried, Winslow, Wyatt.

Total 49

Voted Absentee: Gervais, S. Rice, Winslow, Noes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Grinde moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman Pavlovich moved the adoption of the committee report.

Representative Strizich made a substitute motion Senate amendments to HB 416 be segregated from the Committee of the Whole report and the remainder of the report be adopted. Motion failed. (47-50)

Thereupon, the committee report was adopted. (56-39)

### THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HJR 28** passed as follows:

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Ayes: Anderson, Bachini, Bardanouve, Barnhart, Benedict, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, L. Nelson, T. Nelson, Pavlovich, Peck, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wanzenried, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 84

Noes: Barnett, Bergman, Bergsagel, Cobb, Hayne, Herron, Molnar, Orr, Peterson, Rehbein, Simpkins, Smith, Spring, Wagner, Wallin, Whalen.

Total 16

Voted Absentee: Gervais, S. Rice, Winslow, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 157**, Senate amendments, concurred in as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Benedict, Bergman, Bergsagel, Boharski, Bohlinger, Brandewie, Clark, Cobb, DeBruycker, Driscoll, Elliott, Ellis, Fagg, Feland, Fisher, Foster, Galvin, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Mason, McCaffree, Menahan, Mills, Molnar, T. Nelson, Orr, Peck, Raney, J. Rice, Rose, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Stanford, Stovall, Tash, Tunby, Vogel, Wallin, Wanzenried, Wiseman, Zook, Mr. Speaker.

Total 61

Noes: Barnhart, Bird, Brooke, Brown, Cocchiarella, Daily, Davis, Dolezal, Dowell, Endy, Ewer, Gervais, Gilbert, Hansen, Harper, Harrington, Herron, Kasten, Larson, McCarthy, McCulloch, L. Nelson, Pavlovich, Peterson, Quilici, Ream, Rehbein, S. Rice, Russell, Ryan, Squires, Strizich, Swanson, Toole, Tuss, Wagner, Whalen, Winslow, Wyatt.

Total 39

Voted Absentee: Gervais, S. Rice, Winslow, Noes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 168**, Senate amendments, concurred in as follows:

Ayes: Anderson, Bachini, Bardanoue, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Daily, Davis, DeBruycker, Dolezal, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 96

Noes: Cocchiarella, Dowell, McCaffree.

Total 3

Voted Absentee: S. Rice, Winslow, Ayes.

Excused: Gervais.

Total 1

Absent or not voting: None.

Total 0

**HB 216**, Senate amendments, concurred in as follows:

Ayes: Anderson, Bardanoue, Barnett, Barnhart, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Clark, Cocchiarella, Davis, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fisher, Foster, Galvin, Gilbert, Grady, Grimes, Grinde, Hansen, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Molnar, L. Nelson, Orr, Peck, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Zook, Mr. Speaker.

Total 78

Noes: Bachini, Benedict, Bergsagel, Brown, Cobb, Daily, DeBruycker, Dolezal, Fagg, Feland, H.S. Hanson, Kasten, Keller, Mills, T. Nelson, Pavlovich, Rehbein, Schwinden, Stovall, Wagner, Wyatt.

Total 21

Voted Absentee: S. Rice, Winslow, Ayes.

Excused: Gervais.

Total 1

Absent or not voting: None.

Total 0

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**MOTIONS**

Representative Grinde moved the Speaker be authorized to appoint a conference committee to meet with a like committee from the Senate to confer on Senate amendments to HB 548. Motion carried.

Mr. Speaker appointed the following members:

Representative Bohlinger, Chairman  
Representative Strizich  
Representative Wagner

Representative Grinde moved the Speaker be authorized to appoint a conference committee to meet with a like committee from the Senate to confer on House amendments to SB 15. Motion carried.

Mr. Speaker appointed the following members:

Representative J. Rice, Chairman  
Representative Vogel  
Representative L. Nelson

Representative Grinde moved the Speaker be authorized to appoint a conference committee to meet with a like committee from the Senate to confer on House amendments to SB 23. Motion carried.

Mr. Speaker appointed the following members:

Representative Fagg, Chairman  
Representative S. Rice  
Representative Smith

Representative Grinde moved the Speaker be authorized to appoint a free conference committee to meet with a like committee from the Senate to confer on SB 32. Motion carried.

Mr. Speaker appointed the following members:

Representative H. S. Hanson, Chairman  
Representative Peck  
Representative Boharski

Representative Grinde moved the Speaker be authorized to appoint a conference committee to meet with a like committee from the Senate to confer on House amendments to SB 72. Motion carried.

Mr. Speaker appointed the following members:

Representative Gilbert, Chairman  
Representative Rehbein  
Representative L. Nelson



Representative Grinde moved the Speaker be authorized to appoint a conference committee to meet with a like committee from the Senate to confer on House amendments to SB 98. Motion carried.

Mr. Speaker appointed the following members:

Representative Grinde, Chairman  
Representative Bachini  
Representative Spring

Representative Grinde moved the Speaker be authorized to appoint a free conference committee to meet with a like committee from the Senate to confer on SB 145. Motion carried.

Mr. Speaker appointed the following members:

Representative Clark, Chairman  
Representative Winslow  
Representative J. Johnson

Representative Grinde moved the Speaker be authorized to appoint a free conference committee to meet with a like committee from the Senate to confer on SB 252. Motion carried.

Mr. Speaker appointed the following members:

Representative R. Johnson, Chairman  
Representative Brandewie  
Representative Wyatt

### REPORTS OF STANDING COMMITTEES

BILLS (Hayne, Chairman): 4/7/93  
Delivered to the Governor for his approval at 1:50 p.m., 4/7/93: HB 19,  
HB 21, HB 102, HB 118, HB 158, HB 338, HB 594, HB 633,  
HB 658.

TAXATION (Gilbert, Chairman): 4/7/93  
**SB 257**, third reading copy, be amended as follows:

1. Title, line 7.  
Strike: "JULY"  
Insert: "JUNE"

2. Page 5, line 11.  
Page 6, line 14.  
Strike: "July"  
Insert: "June"

And, as amended, be concurred in. Report adopted.

**SB 289**, third reading copy, be concurred in. Report adopted.  
**SB 359**, third reading copy, be concurred in. Report adopted.

**SB 427**, third reading copy, be concurred in. Report adopted.  
**SB 428**, third reading copy, be concurred in. Report adopted.

**ANNOUNCEMENTS**

Committee meetings were announced by committee chairmen.

Representative Grinde moved the House adjourn until 8:30 a.m., Thursday, April 8, 1993. Motion carried.

House adjourned at 2:58 p.m.

John Mercer, Speaker

Marilyn Miller, Chief Clerk



## **SEVENTY-NINTH LEGISLATIVE DAY**

Helena, Montana  
April 8, 1993

House Chambers  
State Capitol

House convened at 8:30 a.m. Mr. Speaker in the Chair. Invocation by Representative Gilbert. Pledge of Allegiance to the Flag.

Roll call. All members present except Sayles, Schwinden, Tunby, Winslow, Wiseman, Wyatt, excused. Quorum present.

Mr. Speaker introduced this week's pages:

Heather Grainey, Ronan (permanent page)  
Susan Rainey, Clancy  
Jennifer Nelson, Kalispell  
Jamie Moericke, Helena  
Carey Schmidt, Helena  
Deana Gregg, Jordan  
Heather Herrin, Helena  
Aubrey Dziekonski, Helena  
Montana Long, Kalispell  
Joshua Dolezal, Troy

### **SPECIAL ORDERS OF THE DAY**

After being presented to the members of the House by Mr. Speaker, United States Congressman Pat Williams was escorted to the rostrum by Representatives Bohlinger and Brown and delivered the following address:

MONTANA CONGRESSMAN PAT WILLIAMS  
Address to the 53rd Montana State Legislature  
April 8, 1993

Mr. Speaker, members of the House, fellow Montanans.

Your invitation to members of Montana's Congressional Delegation to come to this chamber and spend some time exchanging thoughts with you has over the years become something of an unofficial tradition and I thank you for it.

Here in Montana and all across the country, this nation's people and their government are riding the white rapids of change -- powerful, profound, technological, generational, global and genuinely historic change.

The force of that change, more so than ever before in recent memory, is playing itself out in this lawmaking body, with your counterparts in the other states, and in the U.S. Congress.

Like all Montanans, I too have watched your work since January 4th. I know your challenges are very difficult and the choices excruciatingly tough.

Like all state legislatures, and like the Congress, you are charged with providing the services essential for a healthy and prosperous society and you are also charged with developing a plan for paying the bills.



Every legislator -- and I count myself among you -- understands that achieving the balance in these times often -- too often -- requires votes between options -- none of which seem to provide real solutions.

While the fiscal dilemma confronting you and Montana is, of course, real and far-reaching, it is important to remember that you are not alone. Most other states are facing the same dilemmas. Our financial difficulties are far from mere backyard, homegrown problems existing only under the Big Sky.

As the 1990s begin, the problems facing you also face your counterparts in other states. Three dozen states from East Coast to the Deep South, from the Midwest to the Pacific Coast, are struggling with fiscal difficulties. Many of them have serious deficits -- just as you do. The terms budget shortfalls, tax hikes, cutting into the muscle, are heard in the hallways of every state capitol in America.

The struggle by modern government for an adequate revenue base and the continuation of essential services is systemic and structural and today complicated by the tremendous debt which not just the public sector but also the private sector accumulated in the go-go years of the 1980s.

The consumption binge of that decade was truly extraordinary. Most folks readily point to the public deficit as the only problem. Private debt is also an enormous and increasingly dangerous problem. For example, the federal debt has risen to \$4 trillion. Meanwhile, business and other private debt abetted by leveraged buy-outs, corporate mergers, junk-bond mania, and incredible speculation in the financial markets soared to an incredible \$8 trillion. The problems are not just here in this chamber -- they are everywhere.

For more than a decade our national government has been stalled in gridlock. Folks are watching and wondering with their fingers crossed whether their government will work again -- work for them and their family's needs.

Let me report to you that after 78 days of a new Administration and with a new Congress and a renewed insistence upon action, the answer to that question is an emphatic "yes." The trains are running again.

The first word in the first bill to reach the new President's desk appropriately began with the word "family" -- the Family and Medical Leave Act.

This act finally recognizes the pressures and demands of our modern-day workplace and will provide the ability so many workers now need to take unpaid leave when they are ill or to care for a newborn child or to tend for a gravely ill parent and to do so without the fear or threat of losing their jobs.

Every other industrialized nation on the earth, except the United States and South Africa, already provided such leave for their workers and families. This act, which had been stymied in gridlock, disagreement, and

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partisanship has now been passed by the Congress and signed by President Clinton.

Within days the President will sign legislation to streamline voting registration in America to increase participation in our political process. Montana has already enacted, with good success, the new system that allows citizens to register to vote when they apply for a driver's license.

The national attempt to have America join Montana had also been held hostage to the gridlock which paralyzed our government. That has ended and this bill, too, is on its way to the President.

So, too, is action underway on campaign finance reform. Four years ago the threat of a presidential veto ground to a halt work by the House and Senate for long-overdue reforms in the way national political candidates raise contributions and conduct their campaigns.

This president is determined to have landmark campaign finance reform signed into law and so are the American people. The House and Senate already have begun our work in writing the new bill, recognizing that the credibility of our electoral system is the bedrock of this country's democracy.

The President, you may have read, has empaneled an unprecedented commission of business and labor to look at the future of worker/management relations in America. Even a workforce which is well-prepared for the jobs of the future will fail to adequately improve productivity or living standards unless workers and managers work together more efficiently. Both sides must take on more responsibility, and the President's commission will pursue cooperative ways to achieve that goal.

Our national laws concerning management and workers, the legal frameworks which govern agreement between them need an overhaul. They are among the most outdated in the industrialized world. The President and the Secretary of Labor are committed to improve those critical laws.

You have been struggling to put the public's financial books in order and so have we. The Congress has now passed the new President's budget and we did so faster than any Congress in history. And, we added \$60 billion in cuts more than the President requested. By the way, we did somewhat similar reductions below what both former Presidents Reagan and Bush requested.

During the next five years this budget will cut a total of \$510 billion from the federal deficit. Make no mistake: there are real and significant cuts in many, many federal efforts. And, for a change, this budget puts us on a pay-as-you-go basis.

In a month or so, the President will be unveiling a comprehensive national health care plan. Some fifty years ago, in the depths of this nation's worst and deepest depression, President Franklin Roosevelt first proposed a national system to make sure all Americans, not just the rich but working

families and the elderly and the poor, could receive basic and adequate health care. His proposals were fought, opposed and eventually defeated. A decade and a half later, President Harry Truman tried again. He was aided in the Congress by then Montana Senator James Murray. But -- again -- defeat. Some fifteen years after Truman, Lyndon Johnson and the Congress succeeded in finally extending health care, under Medicare and Medicaid, to our elderly citizens and those who are disadvantaged in our society.

But millions of middle-income, working Americans then and millions today remain without care or coverage. 27,000 Montanans, many of them children, have no health insurance.

So now, a half-century later, the trumpet summons us again. This time, we cannot afford to fail to respond. If present trends continue, by the end of this decade the United States will be spending almost 20 percent of our gross national product on an inadequate health care system. That will be more than double what any other industrialized nation will spend. In effect, every productive enterprise across the country will be spotting our foreign trading competitors about 10 cents on the dollar in health care alone, and the new and intense global marketplace will not allow us to give anyone such an edge.

We also cannot afford to fall short if we ever expect to control the federal deficit. This must be clear: all of the spending cuts and pain Americans will get from the \$510 billion deficit package I mentioned will be for nought unless the country finds a way to control health costs. At the rate at which health care costs are today exploding, the deficit, despite our spending cuts and despite our best efforts, will again begin to climb by the end of this decade and it will continue upward.

We Montanans, we Americans can meet this challenge. We can meet all of our challenges.

I believe that all of us are prepared for a change and yes, that includes sacrifice. And yes, that means a people not only willing to request less but also willing to pay for those things they do demand. And yes, it means asking, as we did a third of a century ago, asking what we can do for our country rather than what our country can do for us.

My fellow legislators, as a young American songwriter once told us, "The times they are a changin'." You have the bruises to prove it.

Have a good break, come back refreshed and ready. Happy Easter.

Representatives Bohlinger and Brown then escorted Congressman Williams from the House Chamber.

#### **REPORTS OF STANDING COMMITTEES**

**BILLS (Hayne, Chairman):**

4/8/93

Correctly printed for second reading: HJR 27.

Correctly engrossed for third reading: HJR 29, SB 373.

Correctly enrolled: HJR 2, HJR 6.

Examined by the sponsor and found to be correct:

HB 23 - Peck  
HB 27 - Squires  
HB 84 - Fagg  
HB 201 - Hibbard  
HB 255 - Anderson  
HB 272 - J. Rice  
HB 294 - Larson  
HB 478 - Toole  
HB 496 - Wyatt  
HB 562 - J. Rice  
HB 565 - Wyatt  
HB 610 - Whalen  
HB 637 - Ryan

BUSINESS AND ECONOMIC DEVELOPMENT (Benedict, Chairman):

4/7/93

**SB 354**, third reading copy, be amended as follows:

1. Page 4, line 23.

Strike: "or"

2. Page 4, line 25.

Following: "commissioner"

Insert: "; or

(f) a person selling only credit life and disability insurance  
incidental to other noninsurance activities"

3. Page 11, line 14.

Following: "fees"

Insert: "commensurate with costs"

4. Page 14, line 18.

Strike: "law"

Insert: "[sections 1 through 6]"

And, as amended, be concurred in. Report adopted.

**SB 430**, third reading copy, be amended as follows:

1. Title, line 20.

Following: "33-10-224,"

Insert: "33-10-227, 33-10-230,"

2. Page 5, line 8.

Following: "all"

Insert: "or part of"

3. Page 5, line 10.

Following: "based"

Insert: "solely"



4. Page 71, line 6.

Following: "commissioner."

Insert: "The statement must be completed in accordance with the annual statement instructions and the accounting practices and procedures manual of the national association of insurance commissioners. The statement must be accompanied by an actuarial opinion attesting to the adequacy of the insurer's reserves."

5. Page 76, lines 11 and 12.

Strike: "its" on line 11

Insert: "the"

Following: "duties" on line 12

Insert: "that are required to meet the minimum financial regulatory standards established by the national association of insurance commissioners"

6. Page 103, line 6.

Strike: "may"

Insert: "does"

7. Page 127, line 20.

Following: line 19

Insert: "Section 69. Section 33-10-227, MCA, is amended to read:

"33-10-227. Assessments -- abatement -- basis for ratesetting. (1) For the purpose of providing the funds necessary to carry out the powers and duties of the association, the board of directors shall assess the member insurers, separately for each account, at ~~such the~~ times and for ~~such the~~ amounts as the board finds necessary. The board shall collect the assessments after 30 days' written notice to the member insurers before payment is due.

(2) There ~~shall be~~ are two classes of assessments, as follows:

(a) Class A assessments ~~shall~~ must be made for the purpose of meeting administrative costs and other general expenses not related to a particular impaired insurer.

(b) Class B assessments ~~shall~~ must be made to the extent necessary to carry out the powers and duties of the association under 33-10-219 and 33-10-220(1) with regard to an impaired insurer.

(3) (a) The amount of any Class A assessment for each account ~~shall~~ must be determined by the board. The amount of any Class B assessment ~~shall~~ must be divided among the accounts in the proportion that the premiums received by the impaired insurer on the policies covered by each account bear to the premiums received by ~~such the~~ insurer on all covered policies.

(b) Class B assessments against member insurers for each account ~~shall~~ must be in the proportion that the premiums received on business in this state by each assessed member insurer on policies covered by each account bear to ~~such the~~ premiums received on business in this state by all assessed member insurers.

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(c) Assessments for funds to meet the requirements of the association with respect to an impaired insurer ~~shall~~ may not be made until necessary to implement the purposes of this part. Classification of assessments under subsection (2) and computation of assessments under this subsection ~~shall~~ must be made with a reasonable degree of accuracy, recognizing that exact determinations may not always be possible.

(4) The association may abate or defer, in whole or in part, the assessment of a member insurer if, in the opinion of the board, payment of the assessment would endanger the ability of the member insurer to fulfill its contractual obligations. The total of all assessments upon a member insurer for each account ~~shall~~ may not in any one calendar year exceed 2% of ~~such~~ the insurer's premiums in this state on the policies covered by the account.

(5) In the event an assessment against a member insurer is abated or deferred, in whole or in part, because of the limitations set forth in subsection (4), the amount by which ~~such~~ the assessment is abated or deferred ~~shall~~ must be assessed against the other member insurers in a manner consistent with the basis for assessments set forth in this section. If the maximum assessment, together with the other assets of the association in either account, does not provide in any one year in either account an amount sufficient to carry out the responsibilities of the association, the necessary additional funds ~~shall~~ must be assessed as soon thereafter as permitted by this part.

(6) If a 1% assessment for any subaccount of the life insurance account and the annuity account in any 1 year does not provide an amount sufficient to carry out the responsibilities of the association, then pursuant to subsection (3)(b), the board shall assess all subaccounts of the life insurance account and the annuity account for the necessary additional amount, subject to the maximum assessment stated in subsection (4).

(6)(7) The board may, by an equitable method as established in the plan of operation, refund to member insurers, in proportion to the contribution of each insurer to that account, the amount by which the assets of the account exceed the amount the board finds is necessary to carry out during the coming year the obligations of the association with regard to that amount, including assets accruing from net realized gains and income from investments. A reasonable amount may be retained in any account to provide funds for the continuing expenses of the association and for future losses if refunds are impractical.

(7)(8) It ~~shall be~~ is proper for any member insurer, in determining its premium rates and policyowner dividends as to any kind of insurance within the scope of this part, to consider the amount reasonably necessary to meet its assessment obligations under this part.

(8)(9) The association shall issue to each insurer paying an assessment under this part a certificate of contribution, in a form prescribed by the commissioner, for the amount ~~so~~ paid. All outstanding certificates ~~shall~~ must be of equal dignity and priority without reference to amounts or dates of issue. A certificate of contribution may be shown by the insurer in its financial

statement as an asset in ~~such that~~ form and for ~~such the~~ amount, if any, and period of time as that the commissioner may approve."

Section 70. Section 33-10-230, MCA, is amended to read:  
"33-10-230. Tax -- writeoffs of certificates of contribution.

(1) Unless a longer period has been allowed by the commissioner, a member insurer shall at its option have the right to show a certificate of contribution for a Class B assessment only as an asset in the form approved by the commissioner pursuant to 33-10-227~~(8)~~(9), at percentages of the original face amount approved by the commissioner, for calendar years as follows:

- (a) 100% for calendar year of issuance;
- (b) 80% for the first calendar year after year of issuance;
- (c) 60% for second calendar year after year of issuance;
- (d) 40% for third calendar year after year of issuance;
- (e) 20% for fourth calendar year after year of issuance.

(2) The insurer may offset the amount written off by it in the calendar year under subsection (1) above against its premium tax liability to this state accrued with respect to business transacted in ~~such the~~ calendar year.

(3) Any sums acquired by refund, pursuant to 33-10-227~~(6)~~(7), from the association which have therefore been written off by contributing insurers and offset against premium taxes as provided in subsection (2) above and are not then needed for purposes of this part ~~shall~~ must be paid by the association to the commissioner and ~~by him~~ deposited by the commissioner with the state treasurer for credit to the general fund of this state."

Renumber: subsequent sections.

And, as amended, be concurred in. Report adopted.

TAXATION (Gilbert, Chairman):

4/7/93

**SB 235**, third reading copy, be amended as follows:

1. Title, line 20.

Following: "15-6-138,"

Insert: "15-6-141,"

2. Title, line 21.

Following: "15-8-205,"

Insert: "15-23-703,"

3. Title, line 24.

Following: "15-32-303,"

Insert: "15-36-112, 15-51-101,"

4. Title, page 1, line 25 through page 2, line 3.

Strike: "19-3-105" on page 1, line 25 through "19-10-504," on page 2, line 2

Strike: "19-11-612," on page 2, line 2 through "19-21-212," on page 2, line 3

5. Page 3, line 24.

Strike: "65"

Insert: "70"

6. Page 4, line 1.

Insert: "(1) "Arboretums and botanical or zoological gardens" means establishments that are created for the exhibition of plants or animals and that are not operated for profit."

ReNUMBER: subsequent subsections

7. Page 5.

Following: line 7

Insert: "(7)(a) "Manufactured home" means a structure that:

- (i) is not an improvement to real property;
  - (ii) is transportable in one or more sections;
  - (iii) when erected on site is 320 square feet or more;
  - (iv) is designed to be used as a dwelling with a permanent foundation when connected to the required utilities; and
  - (v) contains plumbing, heating, and electrical systems.
- (b) The term also includes structures that:
- (i) do not meet the size requirements of subsection (6)(a)(iii) but for which the manufacturer voluntarily filed the certification required by the secretary of housing and urban development; and
  - (ii) comply with the standards required under 42 U.S.C. 5401, et seq."

ReNUMBER: subsequent subsections

8. Page 6.

Following: line 4

Insert: "(11) (a) "Membership organization" means an organization that operates on a membership basis, that requires the payment of dues to hold membership, and that is not operated for profit. The term includes but is not limited to an organization:

- (i) that is engaged in promoting the business interests of its members, including an association that is owned by its members and that is organized to perform a specific business function;
  - (ii) that is composed of professional persons;
  - (iii) that is composed of workers organized for the purpose of improvement of wages and working conditions;
  - (iv) that is engaged in civic, social, or fraternal activities;
  - (v) that is established to promote the interests of a national, state, or local political party or candidate, including a group organized to raise funds for a political party or candidate; and
  - (vi) that is operated for worship, religious training or study, or government or administration of an organized religion or for promotion of religious activities.
- (b) The term does not include an organization that provides sporting or recreational services to its members, such as a country club or a golf or tennis club.



(12) "Museums and art galleries" means establishments that are created for the exhibition of curiosities or works of art and that are not operated for profit."

Renumber: subsequent subsections

9. Page 6, line 6.

Strike: "42"

Insert: "47"

10. Page 6, line 21.

Strike: "(12)"

Insert: "(16)"

11. Page 7, line 8.

Strike: "49"

Insert: "54"

12. Page 7, line 16.

Strike: "(12)(C)(I)"

Insert: "(16)(c)(i)"

13. Page 9.

Following: line 3

Insert: "(20) "Social or family services organizations" means establishments that provide social or family services and rehabilitation services to persons with social or personal problems or to handicapped or disadvantaged persons and that are not operated for profit. These services include but are not limited to counseling services, senior citizen centers, youth centers, job counseling and training services, vocational rehabilitation services, and homes for physically and mentally handicapped persons."

Renumber: subsequent subsections

14. Page 9, lines 10 through 12.

Following: "WATER" on line 10

Strike: remainder of line 10 through "STATE" on line 12

15. Page 9, line 20.

Strike: "subsection"

Insert: "subsections"

Following: "(5)"

Insert: "and (6)"

16. Page 11, line 12.

Strike: "65"

Insert: "70"

17. Page 11.

Following: line 13

Insert: "(6) (a) A sales tax of 2.5% is imposed upon the sales of all new or used mobile homes, as defined in 15-1-101, and on all manufactured homes, as defined in [section 1], that are not an improvement to real property. The tax is imposed on the

purchaser and must be collected by the seller and paid to the department by the seller. The tax must be applied to the sales price. The seller holds all taxes collected in trust for the state.

(b) For the privilege of using a new or used mobile home or manufactured home in this state, there is imposed on the person using the property a use tax equal to 2.5% of the value of a home that was:

(i) acquired outside this state as the result of a transaction that would have been subject to the sales tax had it occurred within this state;

(ii) acquired within the exterior boundaries of an Indian reservation within this state as a result of a transaction that would have been subject to the sales tax had it occurred outside of the exterior boundaries of an Indian reservation within this state; or

(iii) acquired as the result of a transaction that was not initially subject to the sales tax imposed by subsection (1) or the use tax imposed by subsection (2)(b) but which transaction, because of the buyer's subsequent use of the property, is subject to the sales tax or use tax.

(c) The provisions of [sections 1 through 70] apply to this subsection except as specifically provided in this subsection."

18. Page 12, line 21.

Strike: "65"

Insert: "70"

19. Page 13, line 10.

Strike: "65"

Insert: "70"

20. Page 14, line 22.

Strike: "or"

21. Page 15, line 2.

Following: "facilities"

Insert: "; or

(xii) the acceptance by a for-profit entity of hazardous waste, as defined in 75-10-403, or infectious waste, as defined in 75-10-1003, for treatment, disposal, or incineration"

22. Page 15, line 3.

Strike: "65"

Insert: "70"

23. Page 15, line 15.

Strike: "42"

Insert: "47"

24. Page 16, line 2.

Strike: "65"

Insert: "70"

25. Page 16, line 5.

Strike: "65"

Insert: "70"

26. Page 17, line 25.

Strike: "42"

Insert: "47"

27. Page 18, line 2.

Following: "business"

Insert: "or the category of nonprofit organization of the purchaser"

28. Page 18, line 3.

Strike: "for resale"

29. Page 18, lines 8 and 9.

Strike: "to a person engaging in business in this state"

30. Page 18, lines 11 and 12.

Following: "each" on line 11

Insert: "eligible"

Strike: "engaging in business in this state prior to [the applicability date of this section]"

31. Page 18, line 17.

Strike: "(1)"

Strike: "subsection"

32. Page 18, line 18.

Strike: "(2)"

Insert: "[section 10]"

33. Page 18, line 23 through page 19, line 8.

Strike: subsection (2) in its entirety

34. Page 19, line 9.

Strike: "RESIDENTIAL"

35. Page 19, line 10.

Following: " -"

Insert: "(1)"

36. Page 19, lines 12 and 13.

Strike: "TO RESIDENTIAL CUSTOMERS"

37. Page 19, line 15.

Following: line 14

Insert: "(2) For purposes of this section, the term \"utility services\" does not include services provided by a cable television system as that term is defined in 35-18-102."

38. Page 21, line 9.

Strike: "private"

Following: "physician"

Insert: ", a mental health professional,"  
Following: "or"  
Insert: "a"

39. Page 21, line 12.

Strike: "65"

Insert: "70"

40. Page 22, line 6.

Strike: "but not limited to"

41. Page 22, line 7.

Strike: "conducted or"

42. Page 22, line 15.

Following: "dividends"

Insert: ", commissions,"

43. Page 22, line 23.

Following: "bond,"

Strike: "or"

Following: "security"

Insert: ", or contract of insurance"

44. Page 24.

Following: line 10

Insert: "(3) Minerals used by the producer of the minerals for purposes of exploring for, producing, or transporting minerals are exempt from the sales tax and use tax except that the exemption does not include refined petroleum products."

45. Page 26, line 2.

Strike: "petroleum,"

Insert: "hydrocarbons at the extraction site,"

46. Page 26, line 3.

Following: "facility"

Insert: ","

47. Page 26, line 25.

Following: line 24

Insert: "NEW SECTION. Section 32. Exemption -- rehabilitation services. The sale or use of rehabilitation services, as defined in 39-71-1011(6), to or by a disabled worker is exempt from the sales tax and use tax.

NEW SECTION. Section 33. Exemption -- sales by social or family services organizations. The sale of property and services by a social or family services organization is exempt from the sales tax and use tax.

NEW SECTION. Section 34. Exemption -- sales by museum, art gallery, arboretum, or botanical or zoological garden.



The sale of property and services by museums and art galleries and by arboretums and botanical or zoological gardens is exempt from the sales tax and use tax.

NEW SECTION. Section 35. Exemption -- sales by membership organization. The sale of property and services by a membership organization is exempt from the sales tax and use tax.

NEW SECTION. Section 36. Nontaxability -- certain nonprofit organizations. (1) All sales to or uses by an organization not operated for gain or profit and which may have property exempt from property taxation under 15-6-201 are nontaxable.

(2) In the case of a sale, the buyer must deliver a nontaxable transaction certificate."

Renumber: subsequent sections

48. Page 28, line 6.

Strike: "DEPOSITION"

Insert: "reduction"

49. Page 30, line 13.

Following: "sale"

Insert: "or lease"

50. Page 30, line 14.

Strike: "exclusively"

Insert: "primarily"

51. Page 30, line 15.

Following: "commerce"

Insert: "and registered under 61-3-721"

52. Page 33, line 17.

Strike: "65"

Insert: "70"

53. Page 34, line 24.

Strike: "65"

Insert: "70"

54. Page 35, line 15.

Strike: "65"

Insert: "70"

55. Page 35, line 23.

Strike: "65"

Insert: "70"

56. Page 35, line 25.

Strike: "53"

Insert: "58"

57. Page 36, line 2.

Strike: "65"  
Insert: "70"

58. Page 36, line 16.  
Strike: "65"  
Insert: "70"

59. Page 37, line 25.  
Strike: "65"  
Insert: "70"

60. Page 38, line 2.  
Strike: "53"  
Insert: "58"

61. Page 38, line 4.  
Strike: "65"  
Insert: "70"

62. Page 38, line 8.  
Strike: "42"  
Insert: "47"

63. Page 38, line 17.  
Strike: "65"  
Insert: "70"

64. Page 38, line 24.  
Strike: "65"  
Insert: "70"

65. Page 39, line 13.  
Strike: "65"  
Insert: "70"

66. Page 39, line 18.  
Strike: "65"  
Insert: "70"

67. Page 39, line 24.  
Strike: "65"  
Insert: "70"

68. Page 40, line 15.  
Strike: "65"  
Insert: "70"

69. Page 40, line 17.  
Strike: "65"  
Insert: "70"

70. Page 40, line 22.  
Strike: "65"

Insert: "70"

71. Page 41, line 22.

Strike: "50"

Insert: "55"

72. Page 42, line 5.

Strike: "50"

Insert: "55"

73. Page 42, lines 7 and 10.

Strike: "3%"

Insert: "4%"

74. Page 42, line 14.

Strike: "50"

Insert: "55"

75. Page 42, lines 16 and 18.

Strike: "1.5%"

Insert: "2.5%"

76. Page 43, line 25.

Strike: "65"

Insert: "70"

77. Page 44, line 6.

Strike: "50"

Insert: "55"

78. Page 45, line 5.

Strike: "65"

Insert: "70"

79. Page 45, line 15.

Strike: "65"

Insert: "70"

80. Page 45, line 25.

Strike: "65"

Insert: "70"

81. Page 46, line 8.

Strike: "65"

Insert: "70"

82. Page 46, line 9.

Strike: "65"

Insert: "70"

83. Page 47, line 7.

Strike: "60"

Insert: "30"

84. Page 47, line 16.

Strike: "65"

Insert: "70"

85. Page 48, line 25.

Strike: "65"

Insert: "70"

86. Page 49, line 4.

Strike: "57"

Insert: "62"

87. Page 49, line 19.

Strike: "65"

Insert: "70"

88. Page 49, line 22.

Strike: "65"

Insert: "70"

89. Page 49, line 25.

Strike: "65"

Insert: "70"

90. Page 50, line 5.

Strike: "65"

Insert: "70"

91. Page 50, line 6.

Strike: "65"

Insert: "70"

92. Page 50, line 17.

Strike: "65"

Insert: "70"

93. Page 51, line 1.

Strike: "65"

Insert: "70"

94. Page 52, line 13.

Strike: "65"

Insert: "70"

95. Page 53, line 7.

Strike: "65"

Insert: "70"

96. Page 53, line 9.

Strike: "65"

Insert: "70"

97. Page 53, line 17.



Strike: "65"  
Insert: "70"

98. Page 54, line 10.  
Strike: "65"  
Insert: "70"

99. Page 54, line 16.  
Strike: "65"  
Insert: "70"

100. Page 54, line 24.  
Strike: "65"  
Insert: "70"

101. Page 55, line 3.  
Strike: "65"  
Insert: "70"

102. Page 55, line 9.  
Strike: "65"  
Insert: "70"

103. Page 55, line 14.  
Strike: "and"

Insert: "(b) for the fiscal year ending June 30, 1995, the amount determined under [section 184] to be deposited in the workers' compensation tax account established in 39-71-2504; and"  
Renumber: subsequent subsection

104. Page 55, line 16.  
Strike: "subsection"  
Insert: "subsections"  
Following: "(1)(a)"  
Insert: "and (1)(b)"

105. Page 55, line 22.  
Strike: "(1)(b)"  
Insert: "(1)(c)"

106. Page 56, line 12.  
Strike: "67"  
Insert: "72"  
Strike: "74"  
Insert: "79"

107. Page 56.  
Following: line 13  
Insert: "(1) 'Business property' means a structure used for commercial or industrial purposes that is subject to ad valorem taxes in Montana and as much of the surrounding land as is necessary for commercial or industrial use."  
Renumber: subsequent subsections

108. Page 56, line 14.

Strike: "individual natural"

109. Page 56, line 15.

Strike: "68"

Insert: "73"

110. Page 56, line 17.

Following: "returns"

Insert: ", the tax year for corporations required to file returns under Title  
15, chapter 31,"

111. Page 56, line 22.

Page 59, line 6.

Page 59, line 7.

Following: "homestead"

Insert: "or business property"

112. Page 57, line 13.

Strike: "67"

Insert: "72"

Strike: "74"

Insert: "79"

113. Page 57, line 16.

Strike: "72"

Insert: "77"

114. Page 57.

Following: line 23

Insert: "(3) A business is eligible to make a claim under [sections 72  
through 79] if the business:

(a) has been in operation in the state of Montana for at  
least 9 months of the period for which the claim is made; and

(b) occupied one or more business properties as a renter  
or lessee for at least 6 months of the claim period."

115. Page 58, line 2.

Strike: "individual income"

116. Page 58, line 11.

Strike: "67"

Insert: "72"

Strike: "74"

Insert: "79"

117. Page 58, line 15.

Strike: "67"

Insert: "72"

118. Page 58, line 16.

Strike: "74"

Insert: "79"

119. Page 58, line 17.

Following: "liability"

Insert: "or liability under Title 15, chapter 31,"

120. Page 58, line 24.

Following: "under"

Insert: "chapter 31 or"

121. Page 59, line 2.

Strike: "67"

Insert: "72"

Strike: "74"

Insert: "79"

122. Page 59, line 21.

Following: "household"

Insert: "or business entity"

123. Page 60, line 7.

Strike: "67"

Insert: "72"

Strike: "74"

Insert: "79"

124. Page 60, line 23.

Strike: "75"

Insert: "80"

Strike: "82"

Insert: "87"

125. Page 61, line 1.

Strike: "76"

Insert: "81"

126. Page 61, line 18.

Strike: "75"

Insert: "80"

Strike: "82"

Insert: "87"

127. Page 62, line 11.

Strike: "75"

Insert: "80"

Strike: "82"

Insert: "87"

128. Page 62, line 15.

Strike: "75"

Insert: "80"

129. Page 62, line 16.

Strike: "82"

Insert: "87"

130. Page 63, line 2.

Strike: "75"

Insert: "80"

Strike: "82"

Insert: "87"

131. Page 63, line 25.

Strike: "75"

Insert: "80"

Strike: "82"

Insert: "87"

132. Page 65, line 16.

Strike: "83"

Insert: "88"

133. Page 65, line 17.

Strike: "87"

Insert: "92"

134. Page 65, line 19.

Strike: "84"

Insert: "89"

135. Page 68, line 17.

Strike: "83"

Insert: "88"

Strike: "87"

Insert: "92"

136. Page 69, line 19.

Strike: "84"

Insert: "89"

Strike: "85"

Insert: "90"

137. Page 70, line 1.

Strike: "85"

Insert: "90"

Strike: "86"

Insert: "91"

138. Page 78, line 6.

Strike: "65"

Insert: "70"

139. Page 80, line 8.

Strike: "7%"

Insert: "7.3%"

140. Page 80, line 19.

Strike: "31%"

Insert: "34%"



141. Page 81, line 21.

Strike: "19%"

Insert: "20.5%"

142. Page 83, line 1.

Strike: "42%"

Insert: "46.5%"

143. Page 83, line 15.

Strike: "43%"

Insert: "47.5%"

144. Page 84, line 19.

Strike: "25%"

Insert: "28%"

145. Page 85, line 19.

Strike: "12.5%"

Insert: "13.5%"

146. Page 86, line 6.

Strike: "30.5%"

Insert: "34%"

147. Page 86, line 21.

Strike: "13.75%"

Insert: "15%"

148. Page 87, line 9.

Strike: "31%"

Insert: "34%"

149. Page 88, line 20.

Strike: "19%"

Insert: "20.5%"

150. Page 89, line 1.

Strike: "31%"

Insert: "34%"

151. Page 89, lines 12 and 25.

Strike: "12.5%"

Insert: "13.5%"

152. Page 90, lines 1 and 14.

Strike: "25%"

Insert: "27.5%"

153. Page 91, line 3.

Strike: "25%"

Insert: "27.5%"

154. Page 92, line 5.

Strike: "31%"  
Insert: "34%"

155. Page 92, line 22.  
Strike: "14%"  
Insert: "16%"

156. Page 94, line 5.  
Strike: "18%"  
Insert: "20%"

157. Page 95, line 5.  
Strike: "25%"  
Insert: "27.5%"

158. Page 96, line 1.  
Strike: "18%"  
Insert: "20%"

159. Page 96, line 15.  
Strike: "25%"  
Insert: "27.5%"

160. Page 98, lines 7, 9, and 24.  
Strike: "4.4%"  
Insert: "4.9%"

161. Page 101, line 9.  
Strike: "49.5%"  
Insert: "55%"

162. Page 102, lines 8, 9, 16, and 19.  
Strike: "49.5%"  
Insert: "55%"

163. Page 117, line 6.  
Following: line 5

Insert: "(13) (a) In addition to the calculation and distribution provided for in subsections (2), (3), and (6) through (8), each fiscal year, the department shall distribute from the sales and use tax account to each municipality, as defined in 7-15-4283(6), the amount, if any, as provided in subsection (13)(b), that is required to reimburse the municipality the revenue lost by the tax increment financing district, created pursuant to 7-15-4282 on or before July 1, 1993, as a result of the state reducing the mill levy for the elementary school and high school districts' debt service, transportation, and retirement funds.

(b) (i) Based on school fiscal year 1994, the department shall determine the number of mills levied by each school district in the tax increment financing district for the retirement fund and determine the reduction of transportation and debt service mills that would have occurred if [sections 144 and 149] had been in effect for that year.

(ii) For school fiscal year 1995 and each succeeding year, the reimbursement must be equal to the number of mills determined in subsection (3)(b)(i) times the incremental taxable value of the tax increment financing district. The department shall distribute the amounts to the municipalities in two equal installments on November 30 and May 31 of the fiscal year."

164. Page 122, line 13.

Strike: "[A]"

165. Page 122, lines 19 through 22.

Strike: subsection (B) in its entirety

166. Page 124, line 15.

Following: line 14

Insert: "Section 123. Section 15-6-141, MCA, is amended to read:

"15-6-141. Class nine property -- description -- taxable percentage. (1) Class nine property includes:-

~~(a) centrally assessed electric power companies' allocations, including, if congress passes legislation that allows the state to tax property owned by an agency created by congress to transmit or distribute electrical energy, allocations of properties constructed, owned, or operated by a public agency created by the congress to transmit or distribute electric energy produced at privately owned generating facilities (not including rural electric cooperatives);~~

~~(b) allocations for centrally assessed natural gas companies having a major distribution system in this state; and~~

~~(e) property owned, possessed, or controlled by a person and subject to central assessment, as provided in 15-23-101, centrally assessed companies' allocations except:~~

~~(#)(a) electric power and natural gas companies' property, including property of pipeline companies that transport natural gas, that is included in class thirteen;~~

~~(##)(b) property owned by cooperative rural electric and cooperative rural telephone associations and classified in class five;~~

~~(###)(c) property owned by organizations providing telephone communications to rural areas and classified in class seven;~~

~~(#v)(d) railroad transportation property included in class twelve; and~~

~~(v)(e) airline transportation property included in class twelve.~~

(2) Class nine property is taxed at 12% of market value."

NEW SECTION. Section 124. Class thirteen property -- description -- taxable percentage. (1) Class thirteen property includes:

(a) operating property owned, possessed, or controlled by electric power companies that is subject to central assessment, as provided in 15-23-101, including, if congress passes legislation that allows the state to tax property owned by an agency created by congress to transmit or distribute electrical energy, allocations of properties constructed, owned, or operated by a public agency

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created by congress to transmit or distribute electric energy produced at privately owned generating facilities, not including rural electric cooperatives;

(b) property owned, possessed, or controlled by natural gas distribution companies that is subject to central assessment, as provided in 15-23-101, which companies have a major distribution system in this state; and,

(c) property owned, possessed, or controlled by natural gas pipeline companies that is subject to central assessment, as provided in 15-23-101.

(2) Class thirteen property is taxed at 4.5% of market value.

**NEW SECTION.** Section 125. Reimbursement to local governments and schools -- centrally assessed utility property -- duties of department and county treasurer. (1) Prior to October 30, 1994, for each county, the department shall determine the following information for each taxing jurisdiction in existence in tax year 1994:

(a) the number of mills levied in each taxing jurisdiction for tax year 1994; and

(b) the total taxable valuation for tax year 1994 of all property included in class thirteen.

(2)(a) Based on the information determined under subsection (1), the department shall calculate the revenue loss for each taxing jurisdiction due to the difference in tax year 1994 taxable valuation rates between class thirteen property and the tax rate specified in 15-6-141 for class nine property. For purposes of this section, revenue loss for each taxing jurisdiction is determined as:

(i) the absolute difference between actual taxable valuation of class thirteen property in tax year 1994 and what that taxable valuation would have been had the class nine taxable valuation rate been applicable to class thirteen property;

(ii) multiplied by the number of mills levied in the taxing jurisdiction for tax year 1994.

(b) The total revenue loss within each county is the sum of the revenue loss computed for each taxing jurisdiction in the county.

(3) The amount of reimbursement due from the state to each county for tax years 1994, 1995, and 1996 is the total revenue loss calculated under subsection (2). The county treasurer shall distribute to each taxing jurisdiction the total revenue loss as calculated by the department.

(4) The amount of total reimbursement for each county for tax year 1997 and for each tax year thereafter is determined in the same manner as under the procedures provided in 15-1-111(7)(c) through (11)."

Renumber: subsequent sections



Insert: "Section 130. Section 15-23-703, MCA, is amended to read:

"15-23-703. Taxation of gross proceeds -- taxable value for bonding and guaranteed tax base aid to schools. (1) The county assessor shall compute from the reported gross proceeds from coal a tax roll that ~~he~~ the assessor shall transmit to the county treasurer on or before September 15 each year. The county assessor may not levy or assess any mills against the reported gross proceeds of coal but shall levy a tax of 5% against the value of the reported gross proceeds as provided in 15-23-701(1)(d). The county treasurer shall proceed to give full notice to each coal producer of the taxes due and to collect the taxes as provided in 15-16-101.

(2) For bonding, county classification, and all nontax purposes, the taxable value of the gross proceeds of coal is 45% of the contract sales price as defined in 15-35-102(5).

(3) Except as provided in subsection (6), the county treasurer shall calculate and distribute to the state, county, and eligible school districts in the county the amount of the coal gross proceeds tax, determined by multiplying the unit value calculated in 15-23-705 times the tons of coal extracted, treated, and sold on which the coal gross proceeds tax was owed during the preceding calendar year.

(4) Except as provided in subsections (5), (6), and (8), the county treasurer shall credit the amount determined under subsection (3) and the amounts received under 15-23-706:

(a) to the state and to the counties that levied mills in fiscal year 1990 against 1988 production in the relative proportions required by the levies for state and county purposes in the same manner as property taxes were distributed in fiscal year 1990 in the taxing jurisdiction; and

(b) to school districts in the county that either levied mills in school fiscal year 1990 against 1988 production or used nontax revenue, such as Public Law 81-874 money, in lieu of levying mills against production, in the same manner that property taxes collected or property taxes that would have been collected would have been distributed in the 1990 school fiscal year in the school district.

(5) (a) If the total tax liability in a taxing jurisdiction exceeds the amount determined in subsection (3), the county treasurer shall, immediately following the distribution from taxes paid on May 31 of each year, send the excess revenue, excluding any protested coal gross proceeds tax revenues, to the department for redistribution as provided in 15-23-706.

(b) If the total tax liability in a taxing jurisdiction is less than the amount determined in subsection (3), the taxing jurisdiction is entitled to a redistribution as provided by 15-23-706.

(6) The board of county commissioners of a county may direct the county treasurer to reallocate the distribution of coal gross proceeds taxes that would have gone to a taxing unit, as provided in subsection (4)(a), to another taxing unit or taxing units, other than an elementary school or high school, within the county under the following conditions:

(a) ~~The Except as provided in subsection (6)(c), the~~ county treasurer shall first allocate the coal gross proceeds taxes to the taxing units within the county in the same proportion that all other property tax proceeds were distributed in the county in fiscal year 1990.

(b) ~~If Subject to the requirements of subsection (6)(c), if the~~ allocation in subsection (6)(a) exceeds the total budget for a taxing unit, the commissioners may direct the county treasurer to allocate the excess to any taxing unit within the county.

(c) For fiscal year 1995 and each succeeding year, the county treasurer shall remit to the state treasurer the amount of money attributable to the mills levied in fiscal year 1990 for the county retirement fund provided for in 20-9-501 and for the county transportation fund, which was provided for in 20-10-146, as that section read on June 30, 1993. The state treasurer shall credit the money received to the state special revenue fund for state equalization aid to the public schools as provided in 20-9-343.

(7) The board of trustees of an elementary or high school district may reallocate the coal gross proceeds taxes distributed to the district by the county treasurer under the following conditions:

(a) The district shall first allocate the coal gross proceeds taxes to the budgeted funds of the district in the same proportion that all other property tax proceeds were distributed in the district in fiscal year 1990.

(b) If the allocation under subsection (7)(a) exceeds the total budget for a fund, the trustees may allocate the excess to any budgeted fund of the school district.

(8) The county treasurer shall credit all taxes collected under this part from coal mines that began production after December 31, 1988, in the relative proportions required by the levies for state, county, and school district purposes in the same manner as property taxes were distributed in the previous fiscal year."''

Renumber: subsequent sections

168. Page 131, line 7.

Following: line 6

Insert: "Section 132. Section 15-36-112, MCA, is amended to read:

"15-36-112. Disposition of oil and gas state and local government severance taxes -- calculation of unit value for local government severance tax. (1) Each year the department of revenue shall determine the amount of tax collected under this chapter from within each taxing unit.

(2) For purposes of the distribution of local government severance taxes collected under this chapter, the department shall determine the unit value of oil and gas for each taxing unit as follows:

(a) The unit value for petroleum and other mineral or crude oil for each taxing unit is the quotient obtained by dividing the net proceeds taxes calculated on petroleum or mineral or crude oil produced in that taxing unit in calendar year 1988 by the number of barrels of petroleum or other mineral or crude oil

produced in that taxing unit during 1988, excluding new and interim production.

(b) The unit value for natural gas is the quotient obtained by dividing the net proceeds taxes calculated on natural gas produced in that taxing unit in calendar year 1988 by the number of cubic feet of natural gas produced in that taxing unit during 1988, excluding new and interim production.

(3) The state and local government severance taxes collected under this chapter are allocated as follows:

(a) The local government severance tax is statutorily appropriated, as provided in 17-7-502, for allocation to the county for distribution as provided in subsection (4);

(b) The state severance tax is allocated to the state general fund.

(4) (a) For the purpose of distribution of the local government severance tax, the department shall adjust the unit value determined under this section according to the ratio that the local government severance taxes collected during the quarters to be distributed plus accumulated interest earned by the state and penalties and interest on delinquent local government severance taxes bears to the total liability for local government severance taxes for the quarters to be distributed. The taxes must be calculated and distributed as follows:

(i) By November 30 of each year, the department shall calculate and distribute to each eligible county the amount of local government severance tax, determined by multiplying unit value as adjusted in this subsection (4)(a) times the units of production on which the local government severance tax was owed during the calendar quarters ending March 31 and June 30 of the preceding calendar year.

(ii) By May 31 of each year, the department shall calculate and distribute to each eligible county the amount of local government severance tax, determined by multiplying unit value as adjusted in this subsection (4)(a) times the units of production on which the local government severance tax was owed during the 2 calendar quarters immediately following those quarters referred to in subsection (4)(a)(i).

(b) Any amount by which the total tax liability exceeds or is less than the total distributions determined in subsections (4)(a)(i) and (4)(a)(ii) must be calculated and distributed in the following manner:

(i) The excess amount or shortage must be divided by the total distribution determined for that period to obtain an excess or shortage percentage.

(ii) The excess percentage must be multiplied by the distribution to each taxing unit, and this amount must be added to the distribution to each respective taxing unit.

(iii) The shortage percentage must be multiplied by the distribution to each taxing unit, and this amount must be subtracted from the distribution to each respective taxing unit.

(5) Except as provided in subsection (6), the county treasurer shall distribute the money received under subsection (4) to the taxing units that levied mills in fiscal year 1990 against



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calendar year 1988 production in the same manner that all other property tax proceeds were distributed during fiscal year 1990 in the taxing unit, except that no distribution may be made to a municipal taxing unit.

(6) The board of county commissioners of a county may direct the county treasurer to reallocate the distribution of local government severance tax money that would have gone to a taxing unit, as provided in subsection (5), to another taxing unit or taxing units, other than an elementary school or high school, within the county under the following conditions:

(a) The Except as provided in subsection (6)(c), the county treasurer shall first allocate the {local government severance} taxes to the taxing units within the county in the same proportion that all other property tax proceeds were distributed in the county in fiscal year 1990.

(b) If Subject to the requirements of subsection (6)(c), if the allocation in subsection (6)(a) exceeds the total budget for a taxing unit, the commissioners may direct the county treasurer to allocate the excess to any taxing unit within the county.

(c) For fiscal year 1995 and each succeeding year, the county treasurer shall remit to the state treasurer the amount of money attributable to the mills levied in fiscal year 1990 for the county retirement fund provided for in 20-9-501 and for the county transportation fund, which was provided for in 20-10-146, as that section read on June 30, 1993. The state treasurer shall credit the money received to the state special revenue fund for state equalization aid to the public schools as provided in 20-9-343.

(7) The board of trustees of an elementary or high school district may reallocate the {local government severance} taxes distributed to the district by the county treasurer under the following conditions:

(a) The district shall first allocate the {local government severance} taxes to the budgeted funds of the district in the same proportion that all other property tax proceeds were distributed in the district in fiscal year 1990.

(b) If the allocation under subsection (7)(a) exceeds the total budget for a fund, the trustees may allocate the excess to any budgeted fund of the school district.""

Renumber: subsequent sections

169. Page 139, line 19.

Strike: "66"

Insert: "71"

170. Page 177, line 15.

Strike: "66"

Insert: "71"

171. Page 181, lines 9 through 14.

Following: "." on line 9

Strike: remainder of line 9 through "." on line 14

172. Page 188, line 17.



Strike: "66"

Insert: "71"

173. Page 193, line 22.

Strike: "65"

Insert: "70"

174. Page 197, line 6.

Strike: "65"

Insert: "70"

175. Page 201, line 16.

Strike: "65"

Insert: "70"

176. Page 202, line 2.

Strike: "subsection"

Insert: "subsections"

Following: "(2)"

Insert: "and (3)"

Strike: "152"

Insert: "162"

177. Page 203, line 4.

Following: line 3

Insert: "(3) In addition to the amount provided in subsection (2), the county treasurer shall deduct 10% of the amount of the 2% tax collected on an automobile or truck having a rated capacity of 1 ton or less. The county treasurer shall credit the amount deducted to a separate suspense account and shall forward the amount in the account to the state treasurer at the time the county treasurer distributes the motor vehicle suspense fund. The state treasurer shall credit amounts received under this subsection to the school equalization aid account."

178. Page 204, line 23.

Strike: "65"

Insert: "70"

179. Page 206, lines 7 and 8.

Following: "15-30-112" on line 7

Strike: remainder of line 7 through "15-30-112(6)" on line 8

180. Page 206, lines 11 and 12.

Following: "15-30-122" on line 11

Strike: remainder of line 11 through "15-30-122" on line 12

181. Page 214, line 5.

Following: ";

Insert: "(i) except as provided in subsection (2)(c)(ii),"

182. Page 212, lines 3 through 8.

Following: "." on line 3

Strike: remainder of line 3 through "." on line 8

183. Page 214, line 6.

Strike: "\$7,500"

Insert: "\$3,600"

Following: "all"

Insert: "all"

184. Page 214, lines 7 and 8.

Following: "income"

Strike: " "

Following: "received"

Insert: "received"

Strike: ", received by a taxpayer"

185. Page 214.

Following: line 21

Insert: "(ii) for pension and annuity income described under subsection (2)(c)(i), as follows:

(A) each taxpayer filing singly, head of household, or married filing separately shall reduce the total amount of the exclusion provided in (2)(c)(i) by \$2 for every \$1 of federal adjusted gross income in excess of \$30,000 as shown on the taxpayer's return;

(B) in the case of married taxpayers filing jointly, if both taxpayers are receiving pension or annuity income or if only one taxpayer is receiving pension or annuity income, the exclusion claimed as provided in subsection (2)(c)(i) must be reduced by \$2 for every \$1 of federal adjusted gross income in excess of \$30,000 as shown on their joint return;"

186. Page 230, lines 21 and 22.

Following: "15-30-112" on line 21

Strike: remainder of line 21 through "15-30-112(6)" on line 22

187. Page 230, lines 24 and 25.

Following: "15-30-122" on line 24

Strike: remainder of line 24 through "15-30-122(4)" on line 25

188. Page 231, line 17.

Strike: "67"

Insert: "72"

Strike: "74"

Insert: "79"

189. Page 231, line 18.

Strike: "75"

Insert: "80"

Strike: "82"

Insert: "87"

190. Page 236, line 11.

Following: line 10

Insert: "Section 179. Section 15-51-101, MCA, is amended to read:

"15-51-101. Rate of tax -- electrical energy producers. (1) ~~In~~ Except as provided in subsection (2), in addition to the license tax ~~now provided by law~~, each person or other organization, ~~now~~ engaged in the generation, manufacture, or production of electricity and electrical energy in the state of Montana, ~~either through waterpower or by any other means~~, for barter, sale, or exchange ~~(and hereinafter referred to as the "producer")~~ shall on or before the 30th day after each calendar quarter, quarterly periods ending March 31, June 30, September 30, and December 31, render a statement to the department of revenue showing the gross amount, except for actual and necessary plant use, required to produce the energy of electricity and electrical energy produced, manufactured, or generated during the preceding calendar quarter without any deduction and shall pay a license tax thereon in the sum of ~~\$.0002~~ \$.00252 per kilowatt hour on all ~~such~~ electricity and electrical energy generated, manufactured, or produced, measured at the place of production and as shown on the statement required in the manner and within the time hereinafter provided.

(2) The license tax required to be paid by a qualified facility, as that term is defined in the Federal Power Act, as amended by the Public Utilities Regulatory Policies Act of 1978, that exceeds \$.0002 per kilowatt hour must be reimbursed to the qualified facility by the wholesale purchaser making purchases of a qualified facility's electricity or electrical energy if the wholesale purchases are made pursuant to a contract in effect on June 30, 1993. The wholesale purchaser shall reimburse the qualified facility on or before the date that the qualified facility is required to pay the tax imposed under subsection (1)."

Renumber: subsequent sections

191. Page 236, line 13.

Strike: "65"

Insert: "70"

192. Page 236, line 20.

Strike: "65"

Insert: "70"

193. Page 240, line 9.

Strike: "65" in 2 places

Insert: "70"

194. Page 240, line 17.

Strike: "65" in 2 places

Insert: "70"

195. Page 241, line 1.

Strike: "65"

Insert: "70"

196. Page 241, line 3 through page 248, line 3.

Strike: sections 172 through 183 in their entirety

Renumber: subsequent sections

197. Page 248, line 19.

Strike: "42"

Insert: "47"

198. Page 248, line 20.

Strike: "65"

Insert: "70"

199. Page 248, line 22.

Strike: "65"

Insert: "70"

200. Page 248, line 23.

Strike: "42"

Insert: "47"

201. Page 249, line 1.

Strike: "65"

Insert: "70"

202. Page 249, line 3.

Strike: "65"

Insert: "70"

203. Page 249, line 10.

Strike: "65"

Insert: "70"

204. Page 249.

Following: line 17

Insert: "NEW SECTION. Section 184. Determination of deposit to workers' compensation tax account -- fiscal year 1995. Prior to July 1 and October 1, 1994, and April 1, 1995, the budget director shall estimate the amount of sales tax revenue, less anticipated vendor payments and refunds, that will be collected during the fiscal year ending June 30, 1995. For each quarter in which the budget director estimates that sales tax revenue for the fiscal year will exceed \$279 million, the budget director shall determine the percentage that the anticipated revenue will exceed \$279 million. In the ensuing quarter, that percentage of sales tax revenue estimated to be in excess of \$279 million must be allocated for workers' compensation funding as provided in [section 71(1)(b)]."

Renumber: subsequent sections

205. Page 250, lines 7 and 10.

Strike: "65"

Insert: "70"

Strike: "184"

Insert: "183"

206. Page 250, lines 11 and 14.



Strike: "67"

Insert: "72"

Strike: "82"

Insert: "87"

Strike: "83"

Insert: "88"

207. Page 250, lines 12 and 15.

Strike: "87"

Insert: "92"

208. Page 250, lines 16 and 19.

Strike: "66"

Insert: "71"

209. Page 250, lines 23 and 25.

Strike: "152"

Insert: "162"

210. Page 251, line 5.

Following: line 4

Insert: "(5) [Section 124] is intended to be codified as an integral part of Title 15, chapter 6, part 1, and the provisions of Title 15, chapter 6, part 1, apply to [section 124].

(6) [Section 125] is intended to be codified as an integral part of Title 15, chapter 1, part 1, and the provisions of Title 15, chapter 1, part 1, apply to [section 125]."

211. Page 251, lines 9 through 16.

Strike: subsection (2) in its entirety

Renumber: subsequent subsection

212. Page 251.

Following: line 21

Insert: "(3) If Senate Bill No. 168, is passed and approved, then [sections 120 and 126 of this act] are void.

(4) If House Bill No. 671 is passed and approved, then:

(a) [sections 164 through 178] are effective on January 1, 1994, and apply to tax years beginning after December 31, 1993; and

(b) House Bill No. 671 terminates December 31, 1993, and applies only to the tax year beginning in 1993."

213. Page 252, line 9.

Following: "(1)"

Insert: "(a)"

Strike: "[Sections]"

Insert: "Except as provided in subsection (1)(b), [sections]"

214. Page 252, line 10.

Strike: "87"

Insert: "92"

Strike: "145"

Insert: "155"

Strike: "153"

Insert: "163"

215. Page 252.

Following: line 11

Insert: "(b) Purchases of goods and services pursuant to construction contracts that were bid prior to June 8, 1993, are exempt from the sales tax and use tax. However, property or services purchased on or after April 1, 1995, pursuant to a construction contract are subject to the sales tax and use tax regardless of when the contract was bid."

216. Page 252, line 12.

Strike: "88"

Insert: "93"

Strike: "125"

Insert: "135"

Strike: "154"

Insert: "164"

217. Page 252, line 13.

Strike: "183"

Insert: "182"

218. Page 252, line 15.

Strike: "126"

Insert: "136"

Strike: "143"

Insert: "153"

219. Page 252, line 17.

Strike: "(4)"

Insert: "(5)"

220. Page 253, line 5.

Strike: "168"

Insert: "178"

And, as amended, be concurred in. Report adopted.

**SB 379**, third reading copy, be amended as follows:

4/8/93

1. Title, line 7.

Following: "15-2-306,"

Insert: "15-7-102,"

2. Page 15.

Following: line 17

Insert: "Section 8. Section 15-7-102, MCA, is amended to read:

"15-7-102. Notice of classification and appraisal to owners  
-- appeals. (1) It ~~shall be~~ is the duty of the department of revenue,  
through its agent as specified in subsection (2), to cause to be

mailed to each owner and purchaser under contract for deed a notice of the classification of the land owned or being purchased by ~~him~~ and the appraisal of the improvements on the land only if one or more of the following changes pertaining to the land or improvements have been made since the last notice:

- (a) change in ownership;
- (b) change in classification;
- (c) change in valuation; or
- (d) addition or subtraction of personal property affixed to

the land.

(2) (a) The county assessor shall assign each assessment to the correct owner or purchaser under contract for deed and mail the notice of classification and appraisal on a standardized form, adopted by the department, containing sufficient information in a comprehensible manner designed to fully inform the taxpayer as to the classification and appraisal of ~~his~~ the property and of changes over the prior tax year.

(b) The notice must advise the taxpayer that in order to be eligible for a refund of taxes from an appeal of the classification or appraisal, the taxpayer is required to pay the taxes under protest as provided in 15-1-402.

(3) If the owner of any land and improvements is dissatisfied with the appraisal as it reflects the market value of the property as determined by the department or with the classification of his land or improvements, ~~he~~ the owner may submit ~~his~~ an objection in writing to the department's agent. In an objection to the appraisal of the property, the department may consider the actual selling price of the property, independent appraisals of the property, and other relevant information presented by the taxpayer as evidence of the market value of the property. The department shall give reasonable notice to the taxpayer of the time and place of hearing and hear any testimony or other evidence that the taxpayer may desire to produce at that time and afford the opportunity to other interested persons to produce evidence at the hearing. After the hearing, the department shall determine the true and correct appraisal and classification of the land or improvements and notify the taxpayer of its determination. In the notification, the department ~~must~~ shall state its reasons for revising the classification or appraisal. When the proper appraisal and classification have been determined, the land ~~shall~~ must be classified and the improvements appraised in the manner ordered by the department.

(4) Whether a hearing as provided in subsection (3) is held or not, the department or its agent may not adjust an appraisal or classification upon taxpayer's objection unless:

(a) the taxpayer has submitted ~~his~~ an objection in writing; and

(b) the department or its agent has stated its reason in writing for making the adjustment.

(5) A taxpayer's written objection to a classification or appraisal and the department's notification to the taxpayer of its determination and the reason for that determination are public

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records. Each county appraiser shall make the records available for inspection during regular office hours.

(6) If any property owner feels aggrieved at the classification and/or the appraisal made by the department, ~~he shall have~~ the owner has the right to appeal to the county tax appeal board and then to the state tax appeal board, whose findings ~~shall be~~ are final subject to the right of review in the courts. The property owner may appeal the base valuation and the classification determination. A county tax appeal board or the state tax appeal board may consider the actual selling price of the property, independent appraisals of the property, and other relevant information presented by the taxpayer as evidence of the market value of the property. If the county tax appeal board or the state tax appeal board determines that an adjustment should be made, the department shall adjust the base value of the property in accordance with the board's order.""

Renumber: subsequent sections

And, as amended, be concurred in. Report adopted.

**SB 424**, third reading copy, be amended as follows:

1. Title, line 11.

Strike: "DEPARTMENT"

Insert: "BOARD OF LAND COMMISSIONERS"

2. Page 1, line 23.

Following: "shall"

Insert: "["

3. Page 1, line 24.

Following: "ا"

Insert: "]"

4. Page 3, line 7.

Following: "must"

Insert: "["

5. Page 3, line 9.

Following: "ا"

Insert: "]"

6. Page 6, line 22.

Following: "board"

Insert: "["

7. Page 6, line 24.

Following: "ا"

Insert: "]"

8. Page 10, line 23.

Following: "must"

Insert: "["



9. Page 10, line 25.

Following: "١"

Insert: "J"

10. Page 11, line 2.

Following: "~~77-6-507~~"

Insert: "as provided in 77-6-507"

11. Page 11, line 20.

Strike: "AND"

Following: "~~77-6-502~~"

Insert: ", and 77-6-507"

12. Page 12, line 8.

Following: line 7

Insert: "NEW SECTION. Section 11. Setting of rates or fees. (1) In setting the lease rental rates or fees for the use of state lands and cabin sites, the board shall consider the impact of the uses on the school trust asset, lessee expenses for management, water development, weed control, fire control, the term of the lease, the conditions on the lease payment, and any other required expenses reasonably borne by the lessee. In setting cabin site lease rates, the board shall consider expenses that are commonly incurred by the lessees to preserve the value of the state land or to provide services commonly provided by private lessors in the area.

(2) All lease rental rates and fees established by the board under 77-1-208, 77-1-802, 77-6-202, 77-6-501, 77-6-502, and 77-6-507 must consider the trust asset and be in the best interests of the state with regard to the long-term productivity of the school trust lands, while optimizing the return to the school trust."

Renumber: subsequent sections

13. Page 12, line 23.

Strike: "[SECTION 12] IS"

Insert: "[Sections 11 and 12] are"

14. Page 12, line 25.

Strike: "SECTION"

Insert: "sections 11 and"

15. Page 13, line 12.

Following: line 11

Insert: "NEW SECTION. Section 15. Termination. [Section 12] and the bracketed references to the state land board advisory council in 77-1-208, 77-1-802, 77-6-205, and 77-6-502 terminate March 1, 1996."

Renumber: subsequent section

And, as amended, be concurred in. Report adopted.

**SB 438**, third reading copy, be amended as follows:

4/8/93

1. Page 2, line 13.

Following: "property"  
Insert: "-- refund"  
Following: "."  
Insert: "(1)"

2. Page 2, line 17.  
Strike: "of the"  
Insert: "that the remaining"

3. Page 2, lines 17 and 18.  
Strike: "that the personal property is located in the state"  
Strike: "during"  
Insert: "in"

4. Page 2, line 19.  
Following: "bears"  
Insert: "bears"

5. Page 2.  
Following: line 21  
Insert: "(2) If property upon which taxes have been paid is removed from the state, the taxpayer may obtain a refund of a prorated portion of the taxes, subject to the requirements of 15-16-613."

And, as amended, be concurred in. Report adopted.

Adverse Committee Report

**SB 426**, third reading copy, be not concurred in.

### REPORTS OF SELECT COMMITTEES

Free Conference Committee  
on House Bill 273  
Report No. 1, April 7, 1993

Mr. Speaker and Mr. President:

We, your Free Conference Committee on House Bill 273, met and considered House Bill 273 and recommend as follows:

1. Title, line 24.  
Strike: "AND"

2. Title, page 2, line 2.  
Following: "**COMMERCE**"  
Insert: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

3. Page 10, following line 2.  
Insert: "**NEW SECTION.** Section 7. Effective date. [This act] is effective on passage and approval."

And that this Free Conference Committee report be adopted.

1998

HOUSE JOURNAL  
REGULAR SESSION

For the House:

For the Senate:

Ellis, Chairman  
Dolezal  
Herron

Lynch, Chairman  
Wilson  
Rye

**MESSAGES FROM THE SENATE**

House bills concurred in and returned to the House:

4/7/93

**HB 10**, introduced by Bergsagel  
**HB 12**, introduced by Bardanouve  
**HB 563**, introduced by Swanson  
**HB 668**, introduced by Bergsagel  
**HB 674**, introduced by Bergsagel

House bills concurred in as amended and returned to the House for  
concurrence in Senate amendments:

4/7/93

**HB 579**, introduced by Russell  
**HB 655**, introduced by Simon  
**HB 660**, introduced by Peterson

House amendments to Senate bills concurred in:

4/7/93

**SB 320**, introduced by McClerman  
**SB 329**, introduced by Klampe  
**SB 348**, introduced by Halligan  
**SB 370**, introduced by Rye  
**SB 392**, introduced by Waterman  
**SB 395**, introduced by Harp  
**SB 406**, introduced by Bartlett  
**SB 408**, introduced by Christiaens  
**SB 412**, introduced by Aklestad  
**SB 417**, introduced by Weeding  
**SJR 24**, introduced by Bianchi

**MESSAGES FROM THE GOVERNOR**

The Honorable John Mercer  
Speaker of the House  
State Capitol  
Helena, Montana 59620

April 6, 1993

Dear Representative Mercer:

Please be informed that I have signed House Bills 342, 364, 502, and 506  
on April 6, 1993.

Sincerely,

MARC RACICOT  
Governor

The Honorable John Mercer  
Speaker of the House  
State Capitol  
Helena, Montana 59620

April 7, 1993

Dear Representative Mercer:

Please be informed that I have signed House Bills 64, 107, 148, 232, 237, 336, 344, 366, 417, 428, 435, 441, 488, 489, 491, 543, 596, and 646 on April 7, 1993.

Sincerely,

MARC RACICOT  
Governor

The Honorable John Mercer  
Speaker of the House  
State Capitol  
Helena, MT 59620

The Honorable Fred Van Valkenburg  
President of the Senate  
State Capitol  
Helena, MT 59620

Dear Speaker Mercer and President Van Valkenburg:

In accordance with the power vested in me as Governor by the Constitution and laws of the State of Montana, I hereby veto House Bill 349, "AN ACT PROHIBITING AN INSURER FROM CONSIDERING OFF-THE-JOB DRIVING RECORDS OF EMPLOYEES WITH RESPECT TO ISSUING, RENEWING, CANCELING, OR SETTING RATES FOR THE EMPLOYER'S COMMERCIAL MOTOR VEHICLE INSURANCE POLICY," for the following reasons.

House Bill 349 prohibits an insurer from considering the entire driving record of an individual when determining insurance coverage or setting rates for the individual's employer. Under this bill, only those accidents or convictions occurring while driving in one of the employer's vehicles could be considered for insurance purposes. Motor vehicle accidents and convictions in vehicles other than the employer's vehicles could not be considered, even though they may indicate the existence of a safety risk.

Insurance underwriters consider a broad range of behavior when determining rates for insurance, whether it be life or liability insurance. It is not good public policy in my judgment to permit an employer to use "off-the-job" driving records when deciding whether or not to hire a person as a driver, but to prevent an insurer from using that same information to evaluate a risk and determine a fair and equitable rating base.



Moreover, the approval of the bill sends the wrong message. At a time when there is a growing concern with safety on our highways, I cannot approve legislation which removes a deterrent to unsafe driving.

For these reasons, I veto House Bill 349.

Sincerely,

MARC RACICOT  
Governor

### **MOTIONS**

Representative Simon moved he be allowed to change his vote on HB 216, third reading, from aye to no. Motion carried.

### **ANNOUNCEMENTS**

Committee meetings were announced by committee chairmen.

Representative J. Rice moved the House adjourn until 1:00 p.m., Monday, April 12, 1993. Motion carried.

House adjourned at 8:51 a.m.

John Mercer, Speaker

Marilyn Miller, Chief Clerk

## **EIGHTIETH LEGISLATIVE DAY**

Helena, Montana  
April 12, 1993

House Chambers  
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Representative Hayne. Pledge of Allegiance to the Flag.

Roll call. All members present except Elliott, S. Rice, Strizich, Toole, Whalen, excused. Quorum present.

Mr. Speaker: We, your committee on Legislative Administration/Bills and Journal, having examined the daily journals for the seventy-sixth and seventy-seventh legislative days, find the same to be correct.

Harriet Hayne, Chairman

Representative Grinde moved the House recess until 1:50 p.m. Motion carried.

House recessed at 1:06 p.m.

House reconvened at 1:53 p.m. Mr. Speaker in the Chair.

Representatives S. Rice, Toole and Whalen present at this time.

### **REPORTS OF STANDING COMMITTEES**

BILLS (Hayne, Chairman): 4/12/93

Correctly enrolled: HB 23, HB 27, HB 84, HB 201, HB 255, HB 272, HB 294, HB 478, HB 496, HB 562, HB 565, HB 610, HB 637.

Examined by the sponsor and found to be correct:

HB 67 - Cocchiarella  
HB 124 - McCaffree  
HB 128 - Brown  
HB 134 - Peterson  
HB 149 - Larson  
HB 151 - Vogel  
HB 174 - Clark  
HB 221 - Schye  
HB 235 - Toole  
HB 236 - Toole  
HB 245 - Kadas  
HB 258 - Toole  
HB 299 - Wallin  
HB 339 - Driscoll  
HB 365 - Rose  
HB 393 - Wagner  
HB 409 - Pavlovich  
HB 411 - R. Johnson  
HB 485 - Grady  
HB 545 - Tuss  
HB 564 - Bergsagel  
HB 613 - Ewer  
HB 617 - Grady  
HB 619 - Whalen  
HB 641 - Foster

Signed by the Speaker at 3:00 p.m., 4/12/93: SB 347.

Delivered to the Governor for his approval at 9:10 a.m., 4/8/93: HB 132, HB 144, HB 191, HB 228, HB 238, HB 278, HB 315, HB 355, HB 357, HB 368, HB 394, HB 421, HB 448, HB 454, HB 474, HB 481, HB 503, HB 512, HB 528, HB 536, HB 541, HB 550, HB 571, HB 574, HB 575, HB 592, HB 632, HB 635, HB 656, HB 659.

### MESSAGES FROM THE SENATE

House bills concurred in and returned to the House: 4/8/93

**HB 9**, introduced by Bergsagel

**HB 587**, introduced by Harper

**HB 654**, introduced by DeBruycker

House bill concurred in as amended and returned to the House for concurrence in Senate amendments: 4/8/93

**HB 585**, introduced by Cocchiarella

### MESSAGES FROM THE GOVERNOR

The Honorable Fred Van Valkenburg  
President of the Senate  
State Capitol  
Helena MT 59620

April 9, 1993

The Honorable John Mercer  
Speaker of the House  
State Capitol  
Helena MT 59620

Dear President Van Valkenburg and Speaker Mercer:

In accordance with the power vested in me as Governor by the Constitution and laws of the State of Montana, I hereby return Senate Bill 121, "AN ACT AMENDING THE NURSING PRACTICE ACT; PROVIDING DEFINITIONS; AUTHORIZING REGISTERED PROFESSIONAL NURSES AND LICENSED PRACTICAL NURSES TO TAKE ORDERS FROM A AN ADVANCED PRACTICE REGISTERED NURSE SPECIALIST WHO HAS PRESCRIPTIVE AUTHORITY; AUTHORIZING THE BOARD OF NURSING TO ADOPT RULES FOR DELEGATION OF NURSING TASKS TO UNLICENSED PERSONS; CHANGING THE TITLE OF THE BOARD SECRETARY TO EXECUTIVE DIRECTOR; PROVIDING FOR TERMINATION OF LICENSES THAT HAVE NOT BEEN RENEWED FOR 3 YEARS; AND AMENDING SECTIONS 37-8-102, 37-8-103, 37-8-202, AND 37-8-204, MCA," with the attached amendments.

The House of Representatives amended SB 121 during the course of its deliberations. In changing the phrase "nurse specialists" to "advance practice registered nurses," one subsection that should have been left in its original form was inadvertently amended. Senator Franklin, the sponsor

of the bill, is in agreement that the phrase "clinical nurse specialist" in Section 3 is necessary for certification purposes, and therefore I urge your approval of my proposed amendment.

Sincerely,

MARC RACICOT  
Governor

GOVERNOR'S AMENDMENTS TO  
SENATE BILL 121

1. Page 8, lines 12-13.

Following: "CLINICAL" on line 12

Strike: "ADVANCED" on line 12 through "NURSES" on line 13

Insert: "NURSE SPECIALISTS"

The Honorable Fred Van Valkenburg  
President of the Senate  
State Capitol  
Helena MT 59620

April 10, 1993

The Honorable John Mercer  
Speaker of the House  
State Capitol  
Helena MT 59620

Dear President Van Valkenburg and Speaker Mercer:

In accordance with the power vested in me as Governor by the Constitution and laws of the State of Montana, I hereby veto Senate Bill 51, "AN ACT PROVIDING THAT AN APPLICANT FOR A GAMBLING OPERATOR'S LICENSE MAY BE GRANTED TEMPORARY OPERATING AUTHORITY, PENDING THE DEPARTMENT OF JUSTICE'S DECISION ON THE APPLICATION FOR A PERMANENT LICENSE; PROVIDING FOR A COMPLETENESS REVIEW; AMENDING SECTIONS 23-5-112 AND 23-5-177, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE," for the following reasons.

This bill permits the Montana Department of Justice ("Department") to grant temporary operating authority to an applicant for a gaming operator's license. The legislation provides that temporary operating authority may be granted by the Department if a completed application for a gaming license is submitted, temporary operating authority has been granted by the Department of Revenue for the sale of alcoholic beverages, an initial investigation has not revealed any convictions or pending charges for felonies or crimes involving theft or false swearing, and the Department has determined that all financing arrangements in the proposed operation are suitable and have been disclosed. That is, for the most part, what is presently required by law to secure a permanent gambling license. As a result, although this bill creates the impression that temporary operating authority can be granted, in fact the same requirements must be met as would be required for a permanent license. In that sense, the bill does little



more than generate an expectation that temporary operating authority can be granted, when in reality the Department will have to employ the same procedure that it currently uses to assure proper regulation of the industry.

The danger in all of this is that the establishment of new procedures that will not permit a change in results will precipitate more controversy than it solves, and that is not good public policy.

While at first glance the provisions of the bill may seem reasonable, I do not believe it is wise to encourage the Department to take short-cuts when investigating the background of individuals who wish to operate gambling establishments.

Gambling must remain a carefully regulated industry in Montana. It is vitally important that thorough investigations be conducted into the qualifications of an applicant as well as the suitability of the applicant's sources of financing. To give the Department the discretion to issue licenses without a complete investigation is to suggest that the Department must issue these "short-cut" licenses under certain circumstances. No doubt the failure to issue such a license will result in litigation against the State in many instances.

Moreover, it is unwise and unfair to have applicants invest time and financial resources in a gambling operation for which they receive a temporary license, only to have it later revoked by the Department after a thorough investigation is conducted. Similarly, it becomes an onerous burden on the Department to require revocation once a gambling establishment is in place and operating.

Finally, I am not persuaded that the Department should be expected to undertake a streamlined licensing procedure, at the same time that some of the proponents of this bill have been critical of the Department for not completing its administrative responsibilities as quickly as some would desire. If the Legislature has concluded that the Department is not processing applications as quickly as it would like, then the staffing of the agency should be addressed instead of moving away from the thorough examination of license applications before a license is granted.

The gambling industry in Montana, composed mostly of small businessmen and businesswomen, operates with a high degree of integrity and honesty. Neither that industry nor the citizens of Montana should be exposed to any predictable risk that can be avoided. For these reasons, I veto Senate Bill 51.

Sincerely,

MARC RACICOT  
Governor

The Honorable John Mercer  
Speaker of the House  
State Capitol  
Helena, Montana 59620

April 12, 1993

Dear Representative Mercer:

Please be informed that I have signed House Bills 19, 21, 102, 118, 132, 315, 355, 357, 368, 536, 594, and 633 on April 12, 1993.

Sincerely,

MARC RACICOT  
Governor

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Fagg in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**SB 257** - Representative Driscoll moved SB 257, third reading copy, be amended as follows (amendment #1):

1. Strip: the committee amendments of April 7, 1993 in their entirety

Amendment #1 passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Clark, Cobb, Cocchiarella, DeBruycker, Dolezal, Driscoll, Ellis, Endy, Fagg, Feland, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kasten, Keller, Knox, Larson, Mason, McCarthy, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peterson, Quilici, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Tash, Toole, Tunby, Vogel, Wagner, Wallin, Wanzenried, Winslow, Wiseman, Zook, Mr. Speaker.  
Total 75

Noes: Barnhart, Brooke, Brown, Daily, Davis, Dowell, Ewer, Fisher, Hansen, Harper, Kadas, McCaffree, McCulloch, Peck, Raney, Ream, Rehbein, Schwinden, Schye, Strizich, Swanson, Tuss, Whalen, Wyatt.  
Total 24

Voted Absentee: Strizich, No.

Excused: Elliott.  
Total 1

Absent or not voting: None.

Total 0

Representative Driscoll moved SB 257, as amended, be concurred in.  
Motion failed as follows:

Ayes: Anderson, Bardanoue, Bergman, Bird, Bohlinger, Clark, Cocchiarella, Daily, DeBruycker, Dolezal, Driscoll, Fagg, Galvin, Grinde, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, R. Johnson, Keller, Larson, T. Nelson, Pavlovich, Peterson, Quilici, Ream, J. Rice, S. Rice, Sayles, Simpkins, Smith, Spring, Stovall, Tash, Tunby, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 41

Noes: Bachini, Barnett, Barnhart, Benedict, Bergsagel, Boharski, Brandewie, Brooke, Brown, Cobb, Davis, Dowell, Elliott, Ellis, Endy, Ewer, Feland, Fisher, Foster, Gervais, Gilbert, Grimes, Herron, J. Johnson, Kasten, Knox, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, Orr, Peck, Raney, Rehbein, Rose, Russell, Ryan, Schwinden, Schye, Simon, Squires, Stanford, Strizich, Swanson, Toole, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow.

Total 56

Voted Absentee: Elliott, Strizich, Noes.

Excused: None.

Total 0

Absent or not voting: Grady, Hansen, Kadas.

Total 3

Representative Driscoll moved the House reconsider its action on SB 257.

Representative Driscoll withdrew his motion.

**SB 359** - Representative L. Nelson moved SB 359 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanoue, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Smith, Spring, Squires, Stanford, Stovall, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 97

Noes: None.

Total 0

Excused: Elliott, Strizich.

Total 2

Absent or not voting: Simpkins.

Total 1

**SB 424** - Representative Hibbard moved consideration of SB 424 be passed for the day. Motion carried.

**SB 427** - Representative Driscoll moved SB 427 be concurred in. Motion carried as follows:

Ayes: Bardanouve, Barnhart, Bergman, Bird, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Galvin, Gervais, Grimes, Hansen, Harper, Harrington, Hibbard, J. Johnson, R. Johnson, Kadas, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 78

Noes: Anderson, Bachini, Barnett, Benedict, Bergsagel, Boharski, Feland, Foster, Gilbert, Grinde, H.S. Hanson, M. Hanson, Hayne, Herron, Kasten, Keller, Knox, Peck, Peterson, Rehbein, Wagner.

Total 21

Voted Absentee: Elliott, Strizich, Ayes.

Excused: None.

Total 0

Absent or not voting: Grady.

Total 1

**SB 354** - Representative Simon moved SB 354 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Endy, Ewer, Fagg, Feland, Foster, Galvin, Gervais, Gilbert, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Spring, Squires, Stanford, Stovall, Swanson, Tash, Toole, Tunby, Tuss, Vogel,



Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 90

Noes: Barnett, Ellis, Fisher, Kasten, Peterson, Rehbein.  
Total 6

Excused: Elliott, Strizich.  
Total 2

Absent or not voting: Grady, Smith.  
Total 2

**SB 428** - Representative Feland moved SB 428 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, DeBruycker, Dolezal, Elliott, Ellis, Ewer, Fagg, Feland, Fisher, Foster, Gilbert, Grimes, Grinde, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCarthy, Mills, L. Nelson, T. Nelson, Orr, Peck, Peterson, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Simon, Simpkins, Spring, Squires, Stovall, Swanson, Tash, Toole, Tunby, Vogel, Wagner, Wallin, Wanzenried, Winslow, Wiseman, Zook, Mr. Speaker.  
Total 74

Noes: Barnett, Bergsagel, Cocchiarella, Daily, Davis, Dowell, Driscoll, Endy, Galvin, Gervais, McCaffree, McCulloch, Menahan, Molnar, Pavlovich, Quilici, Raney, Schye, Stanford, Tuss, Whalen, Wyatt.  
Total 22

Voted Absentee: Elliott, Aye.

Excused: Strizich.  
Total 1

Absent or not voting: Grady, Hansen, Smith.  
Total 3

**SB 430** - Representative Benedict moved SB 430 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnhart, Benedict, Bergman, Bergsagel, Bird, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Foster, Galvin, Gervais, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Pavlovich, Peck, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring,

Squires, Stanford, Stovall, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 89

Noes: Barnett, Boharski, Fisher, Gilbert, Kasten, Orr, Peterson, Rehbein, Wagner.  
Total 9

Voted Absentee: Elliott, Aye.

Excused: Strizich.  
Total 1

Absent or not voting: Grady.  
Total 1

**HJR 27** - Representative McCarthy moved HJR 27 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 94

Noes: Bardanouve, Barnett, DeBruycker, Feland, Kasten.  
Total 5

Voted Absentee: Elliott, Strizich, Ayes.

Excused: None.  
Total 0

Absent or not voting: J. Rice.  
Total 1

**SB 106** - Representative Brandewie moved SB 106 be concurred in. Motion carried as follows:

Ayes: Anderson, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Gilbert, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kasten, Keller, Knox, Larson, Mason, McCarthy, Mills, Molnar,

Orr, Pavlovich, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Russell, Ryan, Sayles, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Winslow, Zook, Mr. Speaker.

Total 77

Noes: Bachini, Bardanouve, Bergsagel, Galvin, Gervais, Harper, Kadas, McCaffree, McCulloch, Menahan, L. Nelson, T. Nelson, Peck, Rehbein, Rose, Schwinden, Schye, Swanson, Whalen, Wiseman, Wyatt.

Total 21

Voted Absentee: Elliott, Aye.

Excused: Strizich.

Total 1

Absent or not voting: Grady.

Total 1

**SB 378** - Representative Bardanouve moved SB 378 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 96

Noes: Daily, Pavlovich.

Total 2

Voted Absentee: Elliott, Aye.

Excused: Strizich.

Total 1

Absent or not voting: Grady.

Total 1

**SB 118** - Representative Boharski moved consideration of SB 118 be passed for the day. Motion carried.

**HB 663** - Representative Harper moved Senate amendments to HB 663 be concurred in. Motion carried as follows:

Ayes: Anderson, Bardanouve, Barnhart, Benedict, Bohlinger, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Grady, Grimes, Hansen, Harper, Harrington, Hibbard, J. Johnson, Kadas, Kasten, Keller, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, Pavlovich, Quilici, Raney, Ream, J. Rice, S. Rice, Russell, Schwinden, Schye, Simon, Smith, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tuss, Vogel, Wallin, Wanzenried, Whalen, Winslow, Wyatt.

Total 66

Noes: Bachini, Barnett, Bergman, Bergsagel, Bird, Boharski, Brandewie, Cobb, DeBruycker, Ellis, Feland, Gilbert, Grinde, H.S. Hanson, M. Hanson, Hayne, Herron, R. Johnson, Knox, T. Nelson, Orr, Peck, Peterson, Rehbein, Rose, Sayles, Simpkins, Spring, Tunby, Wagner, Wiseman, Zook, Mr. Speaker.

Total 33

Voted Absentee: Elliott, Strizich, Ayes.

Excused: None.

Total 0

Absent or not voting: Ryan.

Total 1

**SB 257** - Representative Driscoll moved the House reconsider its action on SB 257 taken on second reading this legislative day. Motion carried. (76-22)

Representative Driscoll moved SB 257, as amended, be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bergman, Bird, Bohlinger, Brooke, Brown, Clark, Cocchiarella, Daily, DeBruycker, Dolezal, Driscoll, Ellis, Fagg, Galvin, Grady, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, J. Johnson, Kadas, Keller, Larson, McCarthy, Menahan, L. Nelson, T. Nelson, Pavlovich, Peterson, Quilici, Ream, J. Rice, S. Rice, Sayles, Schye, Simon, Simpkins, Smith, Spring, Squires, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Whalen, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 57

Noes: Bardanouve, Barnett, Barnhart, Benedict, Bergsagel, Boharski, Brandewie, Cobb, Davis, Dowell, Elliott, Endy, Ewer, Feland, Fisher, Foster, Gervais, Gilbert, Grimes, Herron, Kasten, Knox, Mason, McCaffree, McCulloch, Mills, Molnar, Orr, Peck, Raney, Rehbein, Rose, Russell, Ryan, Schwinden, Stanford, Tuss, Vogel, Wagner, Wallin, Wanzenried, Winslow.

Total 42

Voted Absentee: Strizich, Aye; Elliott, No.

Excused: None.

Total 0



Absent or not voting: R. Johnson.

Total 1

**HB 372** - Representative Dolezal moved Governor's amendments to HB 372 be concurred in. Motion carried as follows:

Ayes: Anderson, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, L. Nelson, T. Nelson, Orr, Pavlovich, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Swanson, Tash, Toole, Tunby, Tuss, Wallin, Wanzenried, Whalen, Winslow, Zook, Mr. Speaker.

Total 86

Noes: Bachini, Bergsagel, Bird, Feland, Gilbert, Molnar, Peck, Vogel, Wiseman, Wyatt.

Total 10

Voted Absentee: Elliott, Aye.

Excused: Strizich.

Total 1

Absent or not voting: Hansen, Schwinden, Wagner.

Total 3

**HB 327** - Representative McCaffree moved Governor's amendments to HB 327 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 96

Noes: Bird.

Total 1

Voted Absentee: Elliott, Aye.

Excused: Strizich.

Total 1

Absent or not voting: Hayne, Ryan.

Total 2

**SB 169** - Representative Smith moved Governor's amendments to SB 169 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Benedict, Bergman, Bergsagel, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 95

Noes: Barnhart, Bird.

Total 2

Excused: Elliott, Strizich.

Total 2

Absent or not voting: Schwinden.

Total 1

**SB 14** - Representative Sayles moved the free conference committee report to SB 14 be adopted.

Representative L. Nelson made a substitute motion that the free conference committee report to SB 14 be not adopted.

Representative L. Nelson withdrew her motion.

Representative Clark moved consideration of the free conference committee report to SB 14 be passed for the day. Motion carried.

**SB 58** - Representative Vogel moved the conference committee report to SB 58 be adopted. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Daily, Davis, Dolezal, Dowell, Driscoll, Ellis, Endy, Fagg, Fisher, Foster, Galvin, Gervais, Grady, Grinde, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck,

Peterson, Guilici, Raney, Ream, S. Rice, Rose, Russell, Ryan, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 85

Noes: Bergsagel, Cocchiarella, DeBruycker, Feland, Gilbert, Grimes, Hansen, Rehbein, J. Rice.

Total 9

Excused: Elliott, Strizich.

Total 2

Absent or not voting: Ewer, Sayles, Schwinden, Wagner.

Total 4

**HB 49** - Representative Dolezal moved the conference committee report to HB 49 be adopted. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Boharski, Bohlinger, Brandewie, Brooke, Brown, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Guilici, Raney, Ream, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Smith, Spring, Squires, Stanford, Stovall, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 90

Noes: Bergsagel, Bird, Clark, DeBruycker, Fisher, Rehbein, J. Rice, Simpkins.

Total 8

Voted Absentee: Elliott, Aye.

Excused: Strizich.

Total 1

Absent or not voting: Wagner.

Total 1

**HB 169** - Representative Ewer moved the free conference committee report to HB 169 be adopted. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox,

Larson, Mason, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 92

Noes: Bergsagel, DeBruycker, McCaffree, Peterson, Rehbein.  
Total 5

Voted Absentee: Elliott, Aye.

Excused: Strizich.  
Total 1

Absent or not voting: Grady, Wagner.  
Total 2

**SJR 3** - Representative Kennedy moved the free conference committee report to SJR 3 be adopted. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanoue, Barnett, Barnhart, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Foster, Galvin, Gervais, Grady, Grimes, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hibbard, J. Johnson, R. Johnson, Kadas, Knox, Larson, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Pavlovich, Peck, Quilici, Raney, Ream, J. Rice, S. Rice, Russell, Ryan, Schwinden, Schye, Simon, Simpkins, Squires, Stanford, Swanson, Tash, Toole, Tunby, Tuss, Wallin, Wanzenried, Wyatt, Zook, Mr. Speaker.  
Total 74

Noes: Benedict, Bergsagel, DeBruycker, Feland, Fisher, Gilbert, Grinde, Hayne, Herron, Kasten, Keller, Mason, Orr, Peterson, Rehbein, Rose, Sayles, Smith, Spring, Stovall, Vogel, Whalen, Winslow, Wiseman.  
Total 24

Voted Absentee: Elliott, Aye.

Excused: Strizich.  
Total 1

Absent or not voting: Wagner.  
Total 1

**HB 176** - Representative Grinde moved Senate amendments to HB 176 be not concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanoue, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Gilbert, Grady, Grimes,



Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 93

Noes: Bergsagel, Galvin, Gervais, Harrington, Wanzenried.

Total 5

Excused: Elliott, Strizich.

Total 2

Absent or not voting: None.

Total 0

Representative Strizich present at this time.

**SB 192** - Representative Harper moved Governor's amendments to SB 192 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanoue, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 93

Noes: DeBruycker, Feland, Gilbert, Kasten, Larson.

Total 5

Voted Absentee: Elliott, Aye.

Excused: None.

Total 0

Absent or not voting: Grady, Wagner.

Total 2

Representative Grinde moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman Fagg moved the adoption of the committee report. Report adopted. (83-15)

**REPORTS OF STANDING COMMITTEES**

TAXATION (Gilbert, Chairman):

4/12/93

**SB 374**, third reading copy, be amended as follows:

1. Title, line 10.

Following: " ; "

Insert: "PROVIDING FOR A PROPORTIONATE REDUCTION IN THE TAX INCENTIVE FOR ALCOHOL PRODUCED FROM OUT-OF-STATE AGRICULTURAL OR WOOD PRODUCTS;"

2. Page 2, line 12.

Following: "gallon"

Insert: "for each gallon that is 100% produced from Montana products, with the amount of the tax incentive per gallon reduced proportionately, based upon the amount of agricultural or wood products used in the production of the alcohol that are not produced in Montana"

And, as amended, be concurred in. Report adopted.

**MESSAGES FROM THE SENATE**

House bills concurred in and returned to the House:

4/12/93

**HB 17**, introduced by S. Rice

**HB 196**, introduced by Driscoll

**HB 314**, introduced by Raney

**HB 333**, introduced by Cobb

**HB 382**, introduced by Foster

**HB 463**, introduced by Boharski

**HB 511**, introduced by Hibbard

**HB 608**, introduced by Bergsagel

**HJR 24**, introduced by Hibbard

House bill concurred in as amended and returned to the House for concurrence in Senate amendments:

4/8/93

**HB 2**, introduced by Zook

House bills concurred in as amended and returned to the House for concurrence in Senate amendments:

4/12/93

**HB 4**, introduced by Zook

**HB 6**, introduced by Bardanouve

**HB 7**, introduced by Bergsagel

**HB 167**, introduced by Brandewie

**HB 181**, introduced by Barnett

**HB 193**, introduced by Tuss

**HB 303**, introduced by S. Rice

**HB 330**, introduced by Bird

**HB 413**, introduced by Quilici

**HB 436**, introduced by T. Nelson

**HB 453**, introduced by Molnar  
**HB 495**, introduced by Elliott  
**HB 529**, introduced by Strizich  
**HB 642**, introduced by Raney  
**HB 652**, introduced by Larson

Conference committee report #1 adopted:

4/12/93

**SB 11**, introduced by Towe

### MESSAGES FROM THE GOVERNOR

The Honorable John Mercer  
Speaker of the House  
State Capitol  
Helena MT 59620

April 12, 1993

The Honorable Fred Van Valkenburg  
President of the Senate  
State Capitol  
Helena MT 59620

Dear Speaker Mercer and President Van Valkenburg:

In accordance with the power vested in me as Governor by the Constitution and laws of the State of Montana, I hereby return House Bill 658, "AN ACT REVISING THE WHEAT AND BARLEY ASSESSMENT PROCEDURE TO REQUIRE COLLECTION FROM A GRAIN STORAGE FACILITY OPERATOR, ELEVATOR OPERATOR, OR WAREHOUSE OPERATOR AT THE TIME OF INITIAL DELIVERY OR STORAGE IF THE ASSESSMENT IS NOT COLLECTED FROM THE GROWER AT THE TIME OF SALE; PROVIDING THAT THE ASSESSMENT COLLECTED BY THE GRAIN STORAGE FACILITY OPERATOR IS NONREFUNDABLE; AMENDING SECTIONS 80-11-206 AND 80-11-207, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE," with the attached amendments.

Existing Montana law imposes an annual assessment on all wheat and barley grown in Montana. The assessment is collected at the time of sale or at the time a loan is made on the grain, and the person paying the assessment may request a refund. House Bill 658 provides that the annual assessment also be imposed on wheat and barley delivered or stored in Montana, but no refund on these transactions is authorized.

A question about the constitutionality of House Bill 658 has arisen. By allowing a refund of the assessment on Montana-grown wheat and barley, but no comparable refund for the assessment on wheat grown out of state and delivered or stored in Montana, it is likely that the bill will be challenged on the grounds that it violated the commerce clause of the United States Constitution. Consequently, the Montana Department of Agriculture has discussed with Representative Schwinden, the bill's sponsor, the possibility of saving the bill by amendment.

The proposed amendments would provide for a refund of the annual assessment regardless of where the grain was grown, thereby giving equal treatment to grain sellers. I believe that these amendments will correct the apparent constitutional defect, and I urge your approval of them.

Sincerely,

MARC RACICOT  
Governor

GOVERNOR'S AMENDMENTS  
TO HOUSE BILL 658

1. Title, lines 8 through 10.

Following: "GRAIN" on line 8

Strike: remainder of lines 8 through 10

Insert: "SELLER"

2. Title, line 11.

Following: "OF"

Insert: "FIRST"

3. Title, lines 13 through 14.

Strike: lines 13 through 14

4. Page 2, lines 3 through 4.

Strike: lines 3 through 4

5. Page 2, line 5.

Strike: "(i)"

Insert: "(a)"

Following: "case of"

Insert: "a"

6. Page, 2, line 6.

Strike: "any"

Insert: "first"

Following: "of"

Insert: "any"

Strike: "grower"

Insert: "seller"

7. Page 2, line 8.

Strike: "grower"

Insert: "seller"

8. Page 2, line 10.

Strike: "(ii)"

Insert: "(b)"

9. Page 2, line 15.

Strike: ". or"

Insert: "."



10. Page 2, lines 16 through 21.

Strike: subsection (b) in its entirety

11. Page 3, line 1.

Strike: "grower"

Insert: "seller"

Strike: "or"

12. Page 3, line 2.

Strike: "grain storage facility operator"

13. Page 3, line 6.

Strike: "."

14. Page 3, lines 7 and 8.

Strike: "[a]" on line 7 through "(2)(a)." on line 8

15. Page 3, line 12.

Strike: "; or"

Insert: " ."

16. Page 3, line 9.

Strike: "grower"

Insert: "seller"

17. Page 3, lines 13 through 15.

Strike: subsection (b) in its entirety

18. Page 3, lines 19 and 20.

Strike: "-- NONREFUNDABILITY"

19. Page 3, line 21.

Strike: "."

Insert: "or"

20. Page 3, lines 22 through 24.

Strike: ". or" on line 22 through "storage" on line 24

21. Page 4, line 1.

Strike: "grower"

Insert: "seller"

22. Page 4, line 4.

Strike: "grower and"

23. Page 4, line 7.

Strike: "."

Insert: "or the"

24. Page 4, line 8.

Strike: ". or grain storage facility operator"

25. Page 4, line 14.

Following: "~~or~~"  
Insert: "or"

26. Page 4, lines 14 and 15.  
Strike: ", or grain" on line 14 through "operator" on line 15

27. Page 4, line 17.  
Strike: "a grower's"

28. Page 4, line 18.  
Strike: "1"  
Insert: "or"

29. Page 4, line 19.  
Strike: "a grower's"

30. Page 4, lines 19 through 21.  
Strike: "or in" on line 19 through "storage," on line 21

31. Page 5, line 3.  
Following: "purchaser"  
Strike: "1"  
Insert: "or"

32. Page 5, lines 3 and 4.  
Following: "lender"  
Strike: ", or" on line 3 through "operator" on line 4

33. Page 5, line 24.  
Strike: "(A)"

34. Page 6, line 1.  
Strike: "(A)"

35. Page 6, line 1.  
Page 6, lines 4 and 9.  
Strike: "GROWER"  
Insert: "seller"

36. Page 6, lines 10 through 11.  
Strike: Subsection (B) in its entirety

### **MOTIONS**

Representative Toole moved HB 335 be taken from engrossing and rereferred to second reading. Motion carried.

### **THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 220**, Senate amendments, concurred in as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 99

Noes: None.

Total 0

Voted Absentee: Elliott, Aye.

Excused: None.

Total 0

Absent or not voting: Harrington.

Total 1

**HB 233**, Senate amendments, concurred in as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 98

Noes: Bergsagel, Harper.

Total 2

Voted Absentee: Elliott, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 318**, Senate amendments, concurred in as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnhart, Benedict, Bird, Boharski, Bohlinger, Brandewie, Brooke, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Foster, Galvin, Gervais, Grady, Grimes, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Larson, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, Pavlovich, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 77

Noes: Barnett, Bergman, Bergsagel, Clark, Cobb, DeBruycker, Feland, Fisher, Gilbert, Grinde, Hayne, Herron, Kasten, Mason, T. Nelson, Orr, Peck, Peterson, Rehbein, Spring, Vogel, Wagner.

Total 22

Voted Absentee: Elliott, Aye.

Excused: None.

Total 0

Absent or not voting: Brown.

Total 1

**HB 367**, Senate amendments, concurred in as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Neison, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 100

Noes: None.

Total 0

Voted Absentee: Elliott, Aye.

Excused: None.

Total 0

Absent or not voting: None.



Total 0

**HB 374**, Senate amendments, concurred in as follows:

Ayes: Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Bohlinger, Brandewie, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Grady, Grimes, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Pavlovich, Peck, Quilici, Raney, Ream, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 85

Noes: Anderson, Bergsagel, Boharski, Cobb, DeBruycker, Feland, Gilbert, Grinde, Herron, Keller, Orr, Peterson, Rehbein, J. Rice, Wagner.  
Total 15

Voted Absentee: Elliott, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 375**, Senate amendments, concurred in as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 99

Noes: Bergsagel.  
Total 1

Voted Absentee: Elliott, Aye.

Excused: None.  
Total 0

Absent or not voting: None.

Total 0

**HB 419**, Senate amendments, concurred in as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Grady, Grimes, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 91

Noes: Bergsagel, Cobb, DeBruycker, Feland, Gervais, Gilbert, Grinde, L. Nelson, Spring.

Total 9

Voted Absentee: Elliott, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 422**, Senate amendments, concurred in as follows:

Ayes: Anderson, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Gervais, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 90

Noes: Bachini, Bergsagel, Boharski, DeBruycker, Feland, Galvin, Gilbert, Peterson, Rehbein, Wallin.

Total 10

Voted Absentee: Elliott, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 482**, Senate amendments, concurred in as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Boharski, Bohlinger, Brandewie, Brooke, Clark, Cobb, Daily, Davis, Dolezal, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, L. Nelson, Orr, Pavlovich, Peck, Quilici, Raney, Ream, S. Rice, Rose, Russell, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wanzenried, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 78

Noes: Bird, Brown, Cocchiarella, DeBruycker, Dowell, Feland, Gervais, Gilbert, Hansen, Herron, Mills, Molnar, T. Nelson, Peterson, Rehbein, J. Rice, Ryan, Squires, Wagner, Wallin, Whalen, Winslow.

Total 22

Voted Absentee: Elliott, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 532**, Senate amendments, concurred in as follows:

Ayes: Anderson, Barnett, Benedict, Bergman, Bird, Brandewie, Brooke, Brown, Clark, Cobb, Daily, Davis, DeBruycker, Driscoll, Elliott, Ellis, Endy, Fagg, Fisher, Foster, Grady, Grimes, H.S. Hanson, M. Hanson, Harrington, Hayne, Hibbard, J. Johnson, R. Johnson, Kasten, Keller, Knox, Mason, McCarthy, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Quilici, J. Rice, S. Rice, Rose, Sayles, Simon, Simpkins, Stanford, Stovall, Strizich, Tash, Toole, Tunby, Vogel, Wagner, Wallin, Wanzenried, Whalen, Wiseman, Zook, Mr. Speaker.

Total 61

Noes: Bachini, Bardanouve, Barnhart, Bergsagel, Boharski, Bohlinger, Cocchiarella, Dolezal, Dowell, Ewer, Feland, Galvin, Gervais, Gilbert, Grinde, Hansen, Harper, Herron, Kadas, Larson, McCaffree, McCulloch, Menahan, Peck, Peterson, Raney, Ream, Rehbein, Russell, Ryan, Schwinden, Schye, Smith, Spring, Squires, Swanson, Tuss, Winslow, Wyatt.

Total 39

Voted Absentee: Elliott, Aye.

April 12, 1993

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 537**, Senate amendments, concurred in as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 94

Noes: Feland, Gilbert, Herron, Kasten, Peterson, Rehbein.

Total 6

Voted Absentee: Elliott, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

### MOTIONS

Representative Grinde moved the House accede to the request of the Senate to appoint a free conference committee to meet with a like committee from the Senate to confer on SB 310. Motion carried.

Mr. Speaker appointed the following members:

Representative Anderson, Chairman

Representative Bachini

Representative Brandewie

Representative Grinde moved the Speaker be authorized to appoint a conference committee to meet with a like committee from the Senate to confer on Senate amendments to HB 416. Motion carried.

Mr. Speaker appointed the following members:

Representative J. Rice, Chairman

Representative Strizich



Representative Grimes

Representative Clark moved SB 14 be taken from second reading and that the Senate be requested to form another free conference committee. Motion carried.

Mr. Speaker appointed the same members who served on the previous free conference committee for SB 14. They are as follows:

Clark, Chairman  
Ryan  
Smith

Representative Ryan moved to override Governor's veto to HB 349. Motion failed as follows: (51-49) [Requires two-thirds vote.]

### **ANNOUNCEMENTS**

Committee meetings were announced by committee chairmen.

Representative Grinde moved the House adjourn until 8:00 a.m., Tuesday, April 13, 1993. Motion carried.

House adjourned at 3:39 p.m.

John Mercer, Speaker

Marilyn Miller, Chief Clerk

## EIGHTY-FIRST LEGISLATIVE DAY

Helena, Montana  
April 13, 1993

House Chambers  
State Capitol

House convened at 8:00 a.m. Mr. Speaker in the Chair. Invocation by Representative McCarthy. Pledge of Allegiance to the Flag.

Roll call. All members present. Quorum present.

### REPORTS OF STANDING COMMITTEES

BILLS (Hayne, Chairman): 4/13/93  
Correctly engrossed for third reading: HJR 27, SB 106, SB 257, SB 354, SB 359, SB 378, SB 427, SB 428, SB 430.

Correctly enrolled: HB 67, HB 124, HB 128, HB 134, HB 149, HB 151, HB 168, HB 174, HB 221, HB 235, HB 236, HB 245, HB 258, HB 299, HB 339, HB 365, HB 393, HB 409, HB 411, HB 433, HB 485, HB 530, HB 545, HB 564, HB 613, HB 617, HB 619, HB 641.

Examined by the sponsor and found to be correct:  
HB 168 - Rehbein  
HB 433 - Ellis  
HB 530 - Spring

Signed by the Speaker at 5:00 p.m., 4/12/93: HB 27, HB 84, HB 201, HB 255, HB 272, HB 294, HB 478, HB 496, HB 562, HB 565, HB 610, HB 637.

### MESSAGES FROM THE SENATE

House bill indefinitely postponed and returned to the House: 4/8/93

**HB 657**, introduced by Fisher

House bills indefinitely postponed and returned to the House: 4/12/93

**HB 65**, introduced by Cocchiarella

**HB 70**, introduced by S. Rice

**HB 322**, introduced by Feland

### MESSAGES FROM THE GOVERNOR

The Honorable John Mercer  
Speaker of the House  
State Capitol  
Helena, Montana 59620

April 12, 1993

Dear Representative Mercer:

Please be informed that I have signed House Bills 158 and 338 on April 12, 1993.

Sincerely,

MARC RACICOT  
Governor

**FIRST READING AND COMMITMENT  
OF BILLS AND RESOLUTIONS**

The following House joint resolution was introduced, read first time, and referred to committee:

**HJR 31**, introduced by Wiseman, referred to Committee on State Administration

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**SB 257** concurred in as follows:

Ayes: Anderson, Bardanouve, Bergman, Bird, Bohlinger, Brandewie, Brooke, Brown, Clark, Cocchiarella, Daily, Dolezal, Driscoll, Ellis, Ewer, Fagg, Galvin, Grady, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, J. Johnson, R. Johnson, Keller, Knox, Larson, McCarthy, Menahan, L. Nelson, T. Nelson, Pavlovich, Peterson, Quilici, Ream, J. Rice, Rose, Sayles, Simon, Simpkins, Smith, Spring, Squires, Stovall, Swanson, Tash, Tunby, Whalen, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 56

Noes: Bachini, Barnett, Barnhart, Benedict, Bergsagel, Boharski, Cobb, Davis, Dowell, Elliott, Endy, Feland, Fisher, Foster, Gervais, Gilbert, Grimes, Herron, Kadas, Kasten, Mason, McCaffree, McCulloch, Mills, Molnar, Orr, Peck, Raney, Rehbein, S. Rice, Russell, Ryan, Schwinden, Schye, Stanford, Strizich, Toole, Tuss, Vogel, Wagner, Wallin, Wanzenried, Winslow.  
Total 43

Excused: None.  
Total 0

Absent or not voting: DeBruycker.  
Total 1

**HB 308**, Senate amendments, concurred in as follows:

Ayes: Anderson, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brooke, Brown, Cobb, Cocchiarella, Daily, Dolezal, Driscoll, Elliott, Ellis, Endy, Ewer, Feland, Foster, Galvin, Gervais, Grady, Grinde, Hansen, H.S. Hanson, M. Hanson, Harrington, Hayne, Hibbard, J. Johnson, R. Johnson, Kasten, Keller, Knox, Larson, Mason, McCarthy, Menahan, Mills, T. Nelson, Orr, Pavlovich, Peterson, Raney, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Strizich, Swanson, Tash, Tunby, Tuss, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook.  
Total 73

Noes: Bachini, Bergsagel, Brandewie, Clark, Davis, Dowell, Fagg, Fisher, Gilbert, Grimes, Harper, Herron, Kadas, McCaffree, McCulloch, Molnar, L. Nelson, Peck, Ream, Rehbein, Stanford, Stovall, Vogel, Mr. Speaker.  
Total 24

Excused: None.  
Total 0

Absent or not voting: DeBruycker, Quilici, Toole.  
Total 3

**HB 567**, Senate amendments, concurred in as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Fagg, Fisher, Foster, Galvin, Gervais, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, Kadas, Keller, Knox, Larson, Mason, McCaffree, McCarthy, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Zook, Mr. Speaker.  
Total 86

Noes: Benedict, Bergsagel, Clark, Feland, Gilbert, McCulloch, Orr, Rehbein, Wagner, Wyatt.  
Total 10

Excused: None.  
Total 0

Absent or not voting: DeBruycker, Ewer, R. Johnson, Kasten.  
Total 4

**HJR 14**, Senate amendments, concurred in as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, Kasten, Keller, Knox, Larson, Mason, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 93

Noes: Bergsagel, Driscoll, Grimes, R. Johnson, Kadas, McCaffree.



Total 6

Excused: None.

Total 0

Absent or not voting: DeBruycker.

Total 1

**HJR 15**, Senate amendments, concurred in as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Gervais, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 94

Noes: Feland, Galvin, Gilbert, Molnar, Smith, Vogel.

Total 6

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HJR 29** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 96

Noes: Feland, Gilbert, Kasten, Spring.

Total 4

Excused: None.

April 13, 1993

Total 0

Absent or not voting: None.

Total 0

**SB 373** concurred in as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 99

Noes: Bergsagel.

Total 1

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 359** concurred in as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Vogel, Wagner, Wallin, Wanzenried, Whalen, Wyatt, Zook, Mr. Speaker.

Total 92

Noes: DeBruycker, Feland, Gilbert, Peck, Winslow, Wiseman.

Total 6

Excused: None.

Total 0

Absent or not voting: Russell, Tuss.

Total 2

**SB 427** concurred in as follows:

Ayes: Bachini, Bardanouve, Barnhart, Bergman, Bird, Bohlinger, Brandewie, Brooke, Brown, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Galvin, Gervais, Grady, Grimes, Grinde, Hansen, Harper, Harrington, Hibbard, J. Johnson, R. Johnson, Kadas, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, T. Nelson, Orr, Pavlovich, Peck, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 77

Noes: Anderson, Barnett, Benedict, Bergsagel, Boharski, Clark, DeBruycker, Feland, Foster, Gilbert, H.S. Hanson, M. Hanson, Hayne, Herron, Kasten, Keller, Knox, L. Nelson, Peterson, Rehbein, Smith, Spring, Wagner.

Total 23

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 428** concurred in as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Cobb, Dolezal, Elliott, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCarthy, Menahan, Mills, T. Nelson, Orr, Peck, Peterson, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Spring, Squires, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 76

Noes: Barnett, Bergsagel, Clark, Cocchiarella, Daily, Davis, DeBruycker, Dowell, Driscoll, Endy, Gervais, Gilbert, McCaffree, McCulloch, Molnar, L. Nelson, Pavlovich, Quilici, Raney, Rehbein, Smith, Stanford, Wanzenried.

Total 23

Excused: None.

Total 0

Absent or not voting: Ellis.

Total 1

April 13, 1993

**SB 354** concurred in as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnhart, Benedict, Bergman, Bird, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Endy, Ewer, Fagg, Feland, Foster, Galvin, Gervais, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Quilici, Raney, Ream, J. Rice, S. Rice, Russell, Ryan, Schwinden, Schye, Simon, Simpkins, Smith, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 86

Noes: Barnett, Bergsagel, Boharski, DeBruycker, Ellis, Fisher, Gilbert, Kasten, Peterson, Rehbein, Rose, Sayles, Spring, Wagner.

Total 14

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 430** concurred in as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnhart, Benedict, Bergsagel, Bird, Bohlinger, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Endy, Ewer, Fagg, Foster, Galvin, Gervais, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Pavlovich, Quilici, Raney, Ream, J. Rice, S. Rice, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 80

Noes: Barnett, Boharski, Cobb, DeBruycker, Ellis, Feland, Fisher, Gilbert, Keller, Orr, Peck, Peterson, Rehbein, Rose, Smith, Spring, Wagner.

Total 17

Excused: None.

Total 0

Absent or not voting: Bergman, Brandewie, Kasten.

Total 3

**HJR 27** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown,



Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 96

Noes: DeBruycker, Feland, Kadas, Kasten.  
Total 4

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 106** concurred in as follows:

Ayes: Anderson, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Gervais, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Mason, McCarthy, Menahan, Mills, Molnar, T. Nelson, Orr, Pavlovich, Quilici, Raney, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schye, Simon, Simpkins, Squires, Stanford, Stovall, Swanson, Tash, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Mr. Speaker.  
Total 78

Noes: Bachini, Bergsagel, Brooke, Dolezal, Dowell, Galvin, Gilbert, Larson, McCaffree, McCulloch, L. Nelson, Peck, Peterson, Ream, Rehbein, Schwinden, Smith, Spring, Strizich, Toole, Wyatt, Zook.  
Total 22

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 378** concurred in as follows:

Ayes: Anderson, Bardanouve, Barnett, Barnhart, Benedict, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, J. Johnson, R.

April 13, 1993

Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Swanson, Tash, Toole, Tunby, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 91

Noes: Bachini, Bergman, Bergsagel, Cocchiarella, Daily, Herron, Pavlovich, Strizich, Tuss.  
Total 9

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 663**, Senate amendments, concurred in as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Bergman, Bohlinger, Brandewie, Brooke, Brown, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Grady, Grimes, Grinde, Hansen, H.S. Hanson, Harper, Harrington, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, Pavlovich, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 77

Noes: Benedict, Bergsagel, Bird, Boharski, Clark, Cobb, DeBruycker, Feland, Gilbert, M. Hanson, Hayne, Herron, Keller, T. Nelson, Orr, Peck, Peterson, Rehbein, Simpkins, Smith, Spring, Wagner.  
Total 22

Excused: None.  
Total 0

Absent or not voting: Ellis.  
Total 1

**HB 372**, Governor's amendments, concurred in as follows:

Ayes: Anderson, Bardanouve, Barnett, Barnhart, Bergman, Boharski, Bohlinger, Brandewie, Brooke, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Fagg, Fisher, Foster, Galvin, Gervais, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins,

Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Wagner, Wallin, Wanzenried, Whalen, Winslow, Zook, Mr. Speaker.  
Total 80

Noes: Bachini, Bergsagel, Bird, Brown, Clark, DeBruycker, Ewer, Feland, Gilbert, Kasten, Peck, Rehbein, Rose, Smith, Spring, Vogel, Wiseman, Wyatt.  
Total 18

Excused: None.  
Total 0

Absent or not voting: Benedict, Harrington.  
Total 2

**HB 327**, Governor's amendments, concurred in as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 96

Noes: Bergsagel, Bird, Rehbein, Spring.  
Total 4

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 169**, Governor's amendments, concurred in as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Benedict, Bergman, Bergsagel, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel,

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Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 98

Noes: Barnhart, Bird.

Total 2

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 58**, conference committee report, adopted as follows:

Ayes: Anderson, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Daily, Davis, Dolezal, Dowell, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Grady, Grinde, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 89

Noes: Bachini, Bergsagel, Cocchiarella, DeBruycker, Driscoll, Feland, Gilbert, Grimes, Hansen, Peck, Squires.

Total 11

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 49**, conference committee report, adopted as follows:

Ayes: Anderson, Bachini, Barnett, Barnhart, Benedict, Bergman, Boharski, Bohlinger, Brandewie, Brooke, Brown, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Foster, Galvin, Gervais, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Smith, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 86



Noes: Bergsagel, Bird, Clark, DeBruycker, Fisher, Gilbert, Kasten, Knox, Peck, Peterson, Rehbein, Simpkins, Spring.

Total 13

Excused: None.

Total 0

Absent or not voting: Bardanouve.

Total 1

**HB 169**, free conference committee report, adopted as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCarthy, McCulloch, Menahan, Mills, Molnar, T. Nelson, Orr, Pavlovich, Peck, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Squires, Stanford, Stovall, Swanson, Tash, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 90

Noes: Bergsagel, DeBruycker, Fisher, McCaffree, L. Nelson, Peterson, Rehbein, Spring, Strizich.

Total 9

Excused: None.

Total 0

Absent or not voting: Toole.

Total 1

**SJR 3**, free conference committee report, adopted as follows:

Ayes: Anderson, Bardanouve, Barnett, Barnhart, Benedict, Bird, Boharski, Bohlinger, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Foster, Galvin, Gervais, Grady, Grimes, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hibbard, J. Johnson, Kadas, Knox, Larson, McCaffree, McCarthy, McCulloch, Menahan, Molnar, Pavlovich, Quilici, Raney, Ream, J. Rice, S. Rice, Russell, Ryan, Schwinden, Schye, Simon, Simpkins, Squires, Stanford, Strizich, Toole, Tunby, Tuss, Wagner, Wallin, Wanzenried, Wyatt, Zook, Mr. Speaker.

Total 67

Noes: Bachini, Bergman, Bergsagel, Brandewie, DeBruycker, Feland, Fisher, Gilbert, Grinde, Hayne, Herron, R. Johnson, Kasten, Keller, Mason, Mills, T. Nelson, Orr, Peck, Peterson, Rehbein, Rose, Sayles, Smith, Spring, Stovall, Tash, Vogel, Whalen, Winslow, Wiseman.

Total 31

Excused: None.

Total 0

Absent or not voting: L. Nelson, Swanson.

Total 2

**SB 192**, Governor's amendments, concurred in as follows:

Ayes: Anderson, Bachini, Barnett, Barnhart, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, L. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 88

Noes: Bardanouve, Benedict, Bergsagel, Cobb, DeBruycker, Ellis, Gilbert, Kasten, Molnar, T. Nelson, Spring, Wagner.

Total 12

Excused: None.

Total 0

Absent or not voting: None.

Total 0

### **MOTIONS**

Representative Knox moved he be allowed to change his vote on SB 257, third reading, from aye to no. Motion carried.

Representative Brandewie moved he be allowed to change his vote on SB 257, third reading, from aye to no. Motion carried.

Representative J. Rice moved the House recess until 9:45 a.m. Motion carried.

House recessed at 8:18 a.m.

House reconvened at 9:47 a.m. Mr. Speaker in the Chair.

Representative J. Rice moved the House recess until 10:15 a.m. Motion carried.

House recessed at 9:48 a.m.

House reconvened at 10:15 a.m. Mr. Speaker in the Chair.

Representative Grinde excused at this time.

### REPORTS OF STANDING COMMITTEES

BILLS (Hayne, Chairman): 4/13/93  
Delivered to the Secretary of State for his approval at 9:00 a.m., 4/13/93:  
HJR 2, HJR 4, HJR 6.  
Delivered to the Governor for his approval at 8:45 a.m., 4/13/93: HB 97,  
HB 283, HB 288, HB 307, HB 395, HB 397, HB 401, HB 423,  
HB 494, HB 500, HB 638.

### MOTIONS

Representative J. Rice moved consideration of SB 289 be placed at the top of the second reading board. Motion carried.

### SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Representative J. Rice moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried.  
Representative Daily in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**SB 289** - Representative Gilbert moved SB 289 be concurred in. Motion carried as follows:

Ayes: Anderson, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Clark, Cobb, DeBruycker, Dowell, Ellis, Fagg, Feland, Fisher, Foster, Gilbert, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kasten, Keller, Knox, Larson, Mason, McCulloch, Mills, Molnar, L. Nelson, T. Nelson, Orr, Peterson, Ream, Rehbein, J. Rice, S. Rice, Rose, Ryan, Sayles, Schwinden, Simon, Simpkins, Smith, Spring, Stanford, Stovall, Swanson, Tash, Toole, Tunby, Vogel, Wagner, Wallin, Wanzonried, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 68

Noes: Bachini, Bardanouve, Brooke, Brown, Cocchiarella, Daily, Davis, Dolezal, Driscoll, Elliott, Endy, Ewer, Galvin, Gervais, Grady, Hansen, Harper, Harrington, Kadas, McCaffree, McCarthy, Menahan, Pavlovich, Peck, Quilici, Raney, Russell, Schye, Squires, Strizich, Tuss, Whalen.  
Total 32

Voted Absentee: Grinde, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 235** - Representative Hibbard moved SB 235 be concurred in.

Representative Raney made a substitute motion to revert to the body of the bill for the purpose of amendment.

Representative Pavlovich assumed the Chair at this time.

Representative Raney moved SB 235, second reading - second House copy, be amended (amendment #1). Amendment #1 failed as follows: (49-50)

Representative Raney moved SB 235, second reading - second House copy, be amended (amendment #2). Amendment #2 failed as follows: (49-50)

Representative Brown moved SB 235, second reading - second House copy, be amended as follows (amendment #3):

1. Page 28, line 20.

Strike: "newspapers"

Insert: "The Montana Standard"

Amendment #3 passed as follows:

Ayes: Bachini, Bardanouve, Barnhart, Bergman, Bird, Brooke, Brown, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Endy, Ewer, Fagg, Galvin, Gervais, Hansen, Harper, Harrington, J. Johnson, Kadas, Larson, McCaffree, McCarthy, McCulloch, Menahan, Mills, L. Nelson, Pavlovich, Peck, Peterson, Quilici, Raney, Rehbein, S. Rice, Russell, Ryan, Sayles, Schwinden, Schye, Spring, Squires, Stanford, Strizich, Tuss, Wanzenried, Whalen, Winslow, Wyatt.  
Total 52

Noes: Anderson, Barnett, Benedict, Bergsagel, Boharski, Bohlinger, Brandewie, Clark, Cobb, DeBruycker, Ellis, Feland, Fisher, Foster, Gilbert, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Herron, Hibbard, R. Johnson, Kasten, Keller, Knox, Mason, Molnar, T. Nelson, Orr, Ream, J. Rice, Rose, Simon, Simpkins, Smith, Stovall, Swanson, Tash, Toole, Tunby, Vogel, Wagner, Wallin, Wiseman, Zook, Mr. Speaker.  
Total 48

Voted Absentee: Grinde, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Raney moved SB 235, second reading - second House copy, be further amended (amendment #4). Amendment #4 failed as follows: (49-49)

Representative J. Rice moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. House resumed. Mr.



Speaker in the Chair. Chairman Pavlovich moved the adoption of the committee report. Report adopted. (67-27)

Representative J. Rice moved the House recess until 1:15 p.m. Motion carried.

House recessed at 11:55 a.m.

House reconvened at 1:15 p.m. Representative Daily in the Chair.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative J. Rice moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Daily in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**SB 235** - Representative Hibbard moved SB 235, as amended, be concurred in.

Representative S. Rice excused at this time.

Representative Raney made a substitute motion SB 235, second reading - second House copy, be further amended (amendment #5). Amendment #5 failed as follows: (42-58)

Representative Brown moved SB 235, second reading - second House copy, be further amended as follows (amendment #6):

1. Page 28, lines 20 and 21.

Following: "newspapers" on line 20

Strike: remainder of line 20 through "books" on line 21

Amendment #6 passed as follows:

Ayes: Bachini, Barnhart, Bird, Boharski, Brooke, Brown, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fisher, Galvin, Gervais, Hansen, Harper, Harrington, J. Johnson, Kadas, Larson, McCaffree, McCarthy, McCulloch, Menahan, Molnar, L. Nelson, Pavlovich, Peck, Quilici, Raney, Ream, S. Rice, Russell, Ryan, Sayles, Schwinden, Schye, Squires, Stanford, Strizich, Swanson, Toole, Tuss, Wanzenried, Whalen, Winslow, Wyatt.  
Total 52

Noes: Anderson, Bardanouve, Barnett, Benedict, Bergman, Bergsagel, Bohlinger, Brandewie, Clark, Cobb, DeBruycker, Fagg, Feland, Foster, Gilbert, Grady, Grimes, H.S. Hanson, M. Hanson, Hayne, Herron, Hibbard, R. Johnson, Kasten, Keller, Knox, Mason, Mills, T. Nelson, Orr, Peterson, Rehbein, J. Rice, Rose, Simon, Simpkins, Smith, Spring, Stovall, Tash, Tunby, Vogel, Wagner, Wallin, Wiseman, Zook, Mr. Speaker.

Total 47

Voted Absentee: S. Rice, Aye.

Excused: Grinde.

Total 1

Absent or not voting: None.

Total 0

Representative Clark excused at this time.

Representative Squires moved SB 235, second reading - second House copy, be further amended (amendment #7). Amendment #7 failed as follows: (37-62)

Representative Hibbard moved SB 235, second reading - second House copy, be further amended as follows (amendment #8):

1. Page 14, line 18.

Strike: "(1)"

Insert: "(6)(a)"

Strike: "(2)(B)"

Insert: "(6)(b)(i)"

2. Page 22, lines 8 and 9.

Strike: "-- exception" on line 8

Following: "(H)" on line 8

Strike: remainder of line 8 through "all" on line 9

Insert: "All"

3. The Legislative Council shall make the adjustments to internal references in this bill that are necessary as a result of amendments adopted by the Committee of the Whole.

Amendment #8 passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Grady, Grimes, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, J. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 94

Noes: Dowell, Gilbert, Rehbein.

Total 3

Excused: Clark, Grinde, S. Rice.

Total 3

Absent or not voting: None.

Total 0

Representative Toole moved SB 235, second reading - second House copy, be further amended (amendment #9). Amendment #9 failed as follows: (43-57)

Representative Ream moved SB 235, second reading - second House copy, be further amended as follows (amendment #10):

1. Title, line 20.

Following: "15-6-133,"

Strike: "15-6-134,"

2. Title, line 21.

Following: "15-6-207,"

Strike: "15-8-111,"

3. Page 61, lines 21 through 24.

Strike: subsection (1) in its entirety

Renumber: subsequent subsections

4. Page 61, line 25.

Following: "~~natural~~"

Strike: "A"

Insert: "an individual natural"

5. Page 62, lines 4 and 5.

Following: "returns" on line 4

Strike: "THE TAX" through "CHAPTER 31," on line 5

6. Page 62, line 10.

Strike: "OR BUSINESS PROPERTY"

7. Page 63, lines 12 through 18.

Strike: subsection (3) in its entirety

8. Page 63, line 22.

Following: "~~income~~"

Insert: "individual income"

9. Page 64, lines 12 and 13.

Following: "liability"

Strike: "OR LIABILITY" on line 12 through "CHAPTER 31," on line 13

10. Page 64, line 20.

Following: "under"

Strike: "CHAPTER 31 OR"

11. Page 65, lines 3 and 5.

Following: "homestead"  
Strike: "OR BUSINESS PROPERTY"

12. Page 65, lines 18 and 19.  
Following: "household"  
Strike: "OR BUSINESS ENTITY"

13. Page 117, line 15.  
Following: "؛"  
Insert: "and"

14. Page 117, lines 17 through 19.  
Strike: "؛ AND" on line 17 through "15-6-134" on line 19

15. Page 118, lines 5 through 10.  
Following: "؛" on line 5  
Strike: remainder of line 5 through "؛" on line 10  
Renumber: subsequent subsection

16. Page 126, line 17 through page 129, line 22.  
Strike: section 121 in its entirety  
Renumber: subsequent sections

17. Page 135, line 16 through page 138, line 14.  
Strike: section 127 in its entirety  
Renumber: subsequent sections

Amendment #10 passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergsagel, Bird, Bohlinger, Brandewie, Brooke, Brown, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Grady, Grimes, Grinde, H.S. Hanson, Harper, Harrington, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Pavlovich, Peck, Quilici, Ream, J. Rice, Rose, Russell, Ryan, Schwinden, Schye, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 81

Noes: Bergman, Boharski, Cobb, Driscoll, Feland, Gilbert, Hansen, M. Hanson, Hayne, Herron, Orr, Peterson, Raney, Rehbein, Simon, Wagner.  
Total 16

Voted Absentee: Grinde, Aye.

Excused: Clark, S. Rice.  
Total 2

Absent or not voting: Sayles.  
Total 1



Representative Cocchiarella moved SB 235, second reading - second House copy, be further amended as follows (amendment #11):

1. Page 24, line 18.

Following: "services"

Insert: "-- hygiene products"

2. Page 24, line 19.

Following: "insulin,"

Insert: "contraceptives,"

3. Page 25, line 4.

Following: "dentist"

Insert: ";

(c) feminine hygiene products; and

(d) toilet paper"

Amendment #11 passed as follows:

Ayes: Bardanouve, Barnhart, Bird, Bohlinger, Brooke, Brown, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Endy, Ewer, Fagg, Fisher, Galvin, Gervais, Hansen, Harper, Harrington, Hibbard, J. Johnson, R. Johnson, Kadas, Larson, McCaffree, McCarthy, McCulloch, Menahan, L. Nelson, Pavlovich, Quilici, Raney, Ream, J. Rice, Russell, Ryan, Schwinden, Schye, Simon, Squires, Stanford, Strizich, Swanson, Toole, Tuss, Wanzenried, Whalen, Wyatt.

Total 51

Noes: Anderson, Bachini, Barnett, Benedict, Bergman, Bergsagel, Boharski, Brandewie, Cobb, DeBruycker, Ellis, Feland, Foster, Gilbert, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Herron, Kasten, Keller, Knox, Mason, Mills, Molnar, T. Nelson, Orr, Peck, Peterson, Rehbein, Rose, Sayles, Simpkins, Smith, Spring, Stovall, Tash, Tunby, Vogel, Wagner, Wallin, Winslow, Wiseman, Zook, Mr. Speaker.

Total 47

Voted Absentee: Grinde, No.

Excused: Clark, S. Rice.

Total 2

Absent or not voting: None.

Total 0

Representative Hibbard moved SB 235, second reading - second House copy, be further amended as follows (amendment #12):

1. Page 273, line 15.

Following: "HOUSE BILL NO."

Strike: "2"

Insert: "3"

Amendment #12 passed as follows:

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Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Driscoll, Elliott, Ellis, Endy, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Grady, Grimes, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Tunby, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Zook, Mr. Speaker.

Total 90

Noes: Dowell, Ewer, Gilbert, McCulloch, Toole, Tuss, Wyatt.

Total 7

Excused: Clark, Grinde, S. Rice.

Total 3

Absent or not voting: None.

Total 0

Representative Hibbard moved SB 235, second reading - second House copy, be further amended as follows (amendment #13):

1. Page 60, line 10.

Strike: "-- appropriation required"

2. Page 61, lines 15 through 17.

Strike: subsection (3) in its entirety

Amendment #13 passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Grady, Grimes, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 95

Noes: Elliott, Gilbert.

Total 2

Excused: Clark, Grinde, S. Rice.

Total 3

Absent or not voting: None.

Total 0

Representative Cobb moved SB 235, second reading - second House copy, be further amended (amendment #14). Amendment #14 failed as follows: (29-70)

Representative Brandewie excused at this time.

Representative Cobb moved SB 235, second reading - second House copy, be further amended as follows (amendment #15):

1. Page 271, lines 12, 14, and 16.

Strike: "\$279"

Insert: "\$255"

Amendment #15 passed as follows:

Ayes: Anderson, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Boharski, Bohlinger, Brown, Cobb, DeBruycker, Driscoll, Ellis, Fagg, Feland, Foster, Gilbert, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Herron, Hibbard, J. Johnson, Kasten, Keller, Knox, Mason, Mills, Molnar, T. Nelson, Orr, Peterson, Quilici, Raney, Rehbein, Rose, Sayles, Simon, Simpkins, Smith, Spring, Stovall, Swanson, Tash, Tunby, Wagner, Wallin, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 53

Noes: Bachini, Bardanouve, Bird, Brooke, Cocchiarella, Daily, Davis, Dolezal, Dowell, Elliott, Endy, Ewer, Fisher, Galvin, Gervais, Grady, Hansen, Harper, Harrington, R. Johnson, Kadas, Larson, McCaffree, McCarthy, McCulloch, Menahan, L. Nelson, Pavlovich, Peck, Ream, J. Rice, Russell, Ryan, Schwinden, Schye, Squires, Stanford, Strizich, Toole, Tuss, Vogel, Wanzenried, Whalen, Winslow.

Total 44

Voted Absentee: Grinde, Aye.

Excused: Brandewie, Clark, S. Rice.

Total 3

Absent or not voting: None.

Total 0

Representative Foster moved SB 235, second reading - second House copy, be further amended as follows (amendment #16):

1. Page 24.

Following: line 16

Insert: NEW SECTION. Section 13. Exemption -- nursing homes. All sales to or uses by a nursing facility subject to the utilization fee for bed days in nursing facilities provided for in 15-60-102 are exempt from the sales tax and use tax."

Renumber: subsequent sections

Amendment #16 passed as follows:

Ayes: Barnett, Benedict, Bergman, Bergsagel, Boharski, Bohlinger, Brandewie, Clark, Daily, DeBruycker, Driscoll, Elliott, Ellis, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, H.S. Hanson, M. Hanson, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kasten, Keller, Knox, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Peterson, Raney, J. Rice, Rose, Sayles, Simon, Smith, Spring, Stovall, Swanson, Tash, Tunby, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Zook, Mr. Speaker.  
Total 63

Noes: Bachini, Bardanouve, Barnhart, Bird, Brooke, Brown, Cobb, Cocchiarella, Davis, Dolezal, Dowell, Endy, Ewer, Hansen, Harper, Harrington, Kadas, Larson, Pavlovich, Peck, Quilici, Ream, Rehbein, Russell, Ryan, Schwinden, Schye, Simpkins, Squires, Stanford, Strizich, Toole, Tuss, Wyatt.  
Total 34

Voted Absentee: Brandewie, Clark, Ayes.

Excused: Grinde, S. Rice.  
Total 2

Absent or not voting: Anderson.  
Total 1

Representative Brandewie present at this time.

Representative Hibbard moved SB 235, as amended, be concurred in.

Representative Kadas made a substitute motion to revert to the body of the bill for the purpose of amendment. Motion carried.

Representative Kadas moved SB 235, second reading - second House copy, be further amended (amendment #17). Amendment #17 failed as follows: (46-52)

Representative Kadas moved SB 235, second reading - second House copy, be further amended as follows (amendment #18):

1. Page 119, line 5.  
Following: "D/E"  
Insert: "x (F/G)"

2. Page 119, line 25.  
Strike: "AND"

3. Page 120, line 4.  
Following: "YEAR"  
Insert: ";

(vii) "F" is the average countywide millage and is determined by dividing the amount of revenue collected in property



taxes within all jurisdictions in the county in the immediately preceding tax year by the total taxable value of all property in the county in the immediately preceding tax year; and

(viii) "G" is the average statewide millage and is determined by dividing the amount of revenue collected in property taxes within all jurisdictions in the state in the immediately preceding tax year by the total taxable value of all property in the state in the immediately preceding tax year"

Amendment #18 passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Grimes, Hansen, H.S. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 86

Noes: Cobb, DeBruycker, Feland, Gilbert, M. Hanson, Kasten, Menahan, Peterson, Rehbein, Whalen, Winslow.

Total 11

Voted Absentee: S. Rice, Aye.

Excused: Clark, Grinde.

Total 2

Absent or not voting: Grady.

Total 1

Representative Russell moved SB 235, second reading - second House copy, be further amended as follows (amendment #19):

And, that such amendments to the Cocchiarella amendments dated April 13, 1993, at 9:49 a.m. read as follows:

1. Amendment #1 in inserted material, line 2.

Following: "products;"

Strike: "and"

2. Amendment #1 in inserted material, line 3.

Following: "paper"

Insert: "; and

(e) cloth diapers"

Amendment #19 passed as follows:

Ayes: Bachini, Bardanouve, Barnhart, Bird, Bohlinger, Brooke, Brown, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Endy, Fisher, Galvin, Gervais, Hansen, Harper, Harrington, J. Johnson, R. Johnson, Kadas, Larson, McCaffree, McCarthy, McCulloch, Menahan, L. Nelson, Pavlovich, Peck, Quilici, Raney, Ream, Russell, Ryan, Schwinden, Schye, Simon, Squires, Stanford, Stovall, Strizich, Swanson, Toole, Tuss, Wallin, Wanzenried, Whalen, Wyatt.

Total 51

Noes: Anderson, Barnett, Benedict, Bergman, Bergsagel, Boharski, Brandewie, Cobb, DeBruycker, Ellis, Fagg, Feland, Foster, Gilbert, Grimes, H.S. Hanson, M. Hanson, Hayne, Herron, Hibbard, Kasten, Keller, Knox, Mason, Mills, Molnar, T. Nelson, Peterson, Rehbein, J. Rice, Rose, Sayles, Simpkins, Smith, Spring, Tash, Tunby, Vogel, Wagner, Winslow, Wiseman, Zook, Mr. Speaker.

Total 43

Excused: Clark, Grinde, S. Rice.

Total 3

Absent or not voting: Ewer, Grady, Orr.

Total 3

Representative Schye moved SB 235, second reading - second House copy, be further amended (amendment #20). Amendment #20 failed as follows: (46-54)

Thereupon, motion to concur in SB 235, as amended, failed as follows:

Ayes: Anderson, Bardanouve, Barnett, Bergman, Bergsagel, Bohlinger, Brandewie, Clark, DeBruycker, Ellis, Fagg, Feland, Fisher, Foster, Gilbert, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Keller, Knox, Mills, T. Nelson, Orr, Peterson, Ream, J. Rice, Rose, Simon, Simpkins, Spring, Stovall, Swanson, Tash, Tunby, Vogel, Wallin, Zook, Mr. Speaker.

Total 44

Noes: Bachini, Barnhart, Benedict, Bird, Boharski, Brooke, Brown, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Endy, Ewer, Galvin, Gervais, Grady, Hansen, Harper, Harrington, Kadas, Kasten, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Molnar, L. Nelson, Pavlovich, Peck, Quilici, Raney, Rehbein, S. Rice, Russell, Ryan, Sayles, Schwinden, Schye, Smith, Squires, Stanford, Strizich, Toole, Tuss, Wagner, Wanzenried, Whalen, Winslow, Wiseman, Wyatt.

Total 56

Voted Absentee: Clark, Grinde, Ayes; S. Rice, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 87** - Representative J. Rice moved SB 87, third reading copy, be amended as follows (amendment #1):

1. Page 16.

Following: line 23

Insert: "NEW SECTION. Section 20. Coordination instructions. If Senate Bill No. 289 is not passed and referred to the electorate, then a referendum may not be held on [this act], [this act] is void, and the appropriation, if any, to fund the special election is revoked."

Amendment #1 passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Cobb, Cocchiarella, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Gervais, Gilbert, Grady, Grimes, Hansen, H.S. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 89

Noes: Brown, Daily, DeBruycker, Galvin, Molnar, Stanford, Whalen.  
Total 7

Excused: Clark, Grinde, S. Rice.  
Total 3

Absent or not voting: M. Hanson.  
Total 1

Representative Dowell moved SB 87, third reading copy, be further amended (amendment #2). Amendment #2 failed as follows: (47-52)

Representative Simpkins moved SB 87, as amended, be concurred in. Motion carried as follows:

Ayes: Anderson, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Clark, Cobb, Davis, Elliott, Ellis, Ewer, Fagg, Feland, Fisher, Foster, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, Mills, L. Nelson, T. Nelson, Orr, Peterson, Raney, J. Rice, S. Rice, Rose, Sayles, Schwinden, Schye, Simon, Simpkins, Spring, Squires, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Vogel, Wagner, Wallin, Winslow, Wiseman, Zook, Mr. Speaker.  
Total 70

Noes: Bachini, Bardanouve, Brown, Cocchiarella, Daily, DeBruycker, Dolezal, Dowell, Driscoll, Endy, Galvin, Gervais, Harrington, McCarthy,

April 13, 1993

McCulloch, Menahan, Molnar, Pavlovich, Peck, Quilici, Ream, Rehbein, Russell, Ryan, Stanford, Tuss, Wanzenried, Whalen, Wyatt.  
Total 29

Voted Absentee: Clark, Grinde, S. Rice, Ayes.

Excused: None.  
Total 0

Absent or not voting: Smith.  
Total 1

**SB 374** - Representative Dolezal moved SB 374 be concurred in.

Representative Elliott made a substitute motion SB 374 be not concurred in. Motion failed. (36-63)

Thereupon, motion to concur in SB 374 carried as follows:

Ayes: Anderson, Bachini, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Boharski, Bohlinger, Brown, Daily, DeBruycker, Dolezal, Dowell, Driscoll, Ellis, Endy, Fagg, Fisher, Foster, Galvin, Gervais, Grady, Grimes, H.S. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kasten, Keller, Knox, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, Quilici, Rehbein, J. Rice, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Stanford, Stovall, Strizich, Tash, Tuss, Vogel, Wagner, Whalen, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 67

Noes: Bardanouve, Bird, Brandewie, Brooke, Cobb, Cocchiarella, Davis, Elliott, Ewer, Feland, Gilbert, Hansen, M. Hanson, Kadas, Larson, T. Nelson, Orr, Peck, Peterson, Raney, Ream, Rose, Squires, Swanson, Toole, Tunby, Wallin, Wanzenried, Winslow.  
Total 29

Excused: Clark, Grinde, S. Rice.  
Total 3

Absent or not voting: Pavlovich.  
Total 1

Representative J. Rice moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman Daily moved the adoption of the committee report. Report adopted. (73-20)

### MOTIONS

Representative J. Rice moved the House dissolve the conference committee on HB 301 and the Speaker be authorized to appoint a free conference committee to meet with a like committee from the Senate to confer on HB 301. Motion carried.



Mr. Speaker appointed the following members:

Representative Sayles, Chairman  
Representative Wyatt  
Representative Bergman

Representative J. Rice moved the Speaker be authorized to appoint a conference committee to meet with a like committee from the Senate to confer on House amendments to SB 285. Motion carried.

Mr. Speaker appointed the following members:

Representative Simon, Chairman  
Representative S. Rice  
Representative T. Nelson

Representative J. Rice moved the Speaker be authorized to appoint a conference committee to meet with a like committee from the Senate to confer on House amendments to SB 342. Motion carried.

Mr. Speaker appointed the following members:

Representative H. S. Hanson, Chairman  
Representative Driscoll  
Representative Mills

Representative J. Rice moved the Speaker be authorized to appoint a free conference committee to meet with a like committee from the Senate to confer on SB 94. Motion carried.

Mr. Speaker appointed the following members:

Representative Cobb, Chairman  
Representative Kasten  
Representative J. Johnson

Representative J. Rice moved the Speaker be authorized to appoint a free conference committee to meet with a like committee from the Senate to confer on SB 311. Motion carried.

Mr. Speaker appointed the following members:

Representative Bergsagel, Chairman  
Representative McCarthy  
Representative Feland

Representative J. Rice moved the Speaker be authorized to appoint a free conference committee to meet with a like committee from the Senate to confer on SB 394. Motion carried.

Mr. Speaker appointed the following members:

Representative Benedict, Chairman

Representative Ewer  
Representative Hibbard

Representative Toole moved SB 357 be taken from the Committee on Judiciary and rereferred to second reading. Motion carried.

### **COMMUNICATIONS AND PETITIONS**

Mr. Speaker appointed Representatives Knox, Bird, Orr, and Cocchiarella to the Environmental Quality Council.

Mr. Speaker appointed Representatives DeBruycker and Schwinden to the Lottery Liaison Committee.

Mr. Speaker appointed Representative Grinde to the Pacific Northwest Economic Region Committee.

Mr. Speaker appointed Representative Rose to the Energy Policy Committee.

Mr. Speaker appointed Representatives Tunby and Tuss to the Committee on Indian Affairs.

Mr. Speaker appointed Representatives M. Hanson, Harrington, J. Rice, Ream, Anderson, and Driscoll to the Revenue Oversight Committee.

Mr. Speaker appointed Representatives Squires, Sayles, Bachini, and Grimes to the Administrative Code Committee.

Mr. Speaker appointed Representatives Cobb, Pavlovich, Bergsagel, and L. Nelson to the Legislative Audit Committee.

Mr. Speaker appointed Representatives Wallin, Menahan, H. S. Hanson, and Davis to the Legislative Council.

Mr. Speaker appointed Representatives Quilici and Foster to the Legislative Consumer Council.

Mr. Speaker appointed Representative Gilbert to the Reserved Water Rights Compact Commission.

Mr. Speaker appointed Representatives Bardanouve, Grady, Peck, Zook, Kadas, and T. Nelson to the Legislative Finance Committee.

Mr. Speaker appointed Representatives Harper, Fagg, Russell, and Keller to the Water Policy Committee.

### **REPORTS OF STANDING COMMITTEES**

BILLS (Hayne, Chairman):

4/13/93

Correctly enrolled: HB 241, 429.

Examined by the sponsor and found to be correct:

HB 10 - Bergsagel

HB 157 - Vogel

HB 241 - Strizich  
HB 429 - Strizich  
HB 563 - Swanson  
HB 668 - Bergsagel  
HB 674 - Bergsagel

Signed by the Speaker at 5:00 p.m., 4/12/93: HB 23.

Signed by the Speaker at 1:00 p.m., 4/13/93: HB 67, HB 124, HB 134, HB 151, HB 168, HB 221, HB 241, HB 245, HB 299, HB 365, HB 393, HB 433, HB 545, HB 564, HB 613, HB 619.

Signed by the Speaker at 3:00 p.m., 4/13/93: HB 128, HB 149, HB 174, HB 235, HB 236, HB 339, HB 409, HB 411, HB 429, HB 485, HB 530, HB 617, HB 641, SB 77, SB 78, SB 100, SB 223, SB 258, SB 318, SJR 20.

Delivered to the Governor for his approval at 1:30 p.m., 4/13/93: HB 241.

NATURAL RESOURCES (Knox, Chairman):

4/13/93

**HB 692**, introduced bill, be amended as follows:

1. Page 4, line 21.

Following: "consumptive"

Insert: "use"

2. Page 9.

Following: line 17

Insert: "(33) \"Unincorporated municipality\" includes but is not limited to a rural special improvement district or any other entity that serves community water needs."

Renumber: subsequent subsections

3. Page 20, line 23.

Strike: "85-2-212"

Insert: "85-2-226"

4. Page 42, line 10.

Following: "Jule"

Insert: ", Rubideau,"

5. Page 77, line 3.

Following: "or"

Insert: "until the Department"

And, as amended, do pass. Report adopted.

**SB 401**, third reading copy, be amended as follows:

1. Title, line 14.

Strike: "A FEE"

Insert: "FEES"

2. Page 4, line 14.

Following: "75-5-301."

Insert: "All waters are high-quality water unless classified by the board within a classification for waters that are not suitable for human

consumption or not suitable for growth and propagation of fish and associated aquatic life."

3. Page 9, line 16.

Following: "75-5-303(3)."

Insert: "These criteria must be established in a manner that generally:

(i) equates significance with the potential for harm to human health or the environment;

(ii) considers both the quantity and the strength of the pollutant;

(iii) considers the length of time the degradation will occur; and

(iv) considers the character of the pollutant so that greater significance is associated with carcinogens and toxins that bioaccumulate or biomagnify and lesser significance is associated with substances that are less harmful or less persistent."

4. Page 12, lines 5 through 10.

Strike: "THE" on line 5 through "SECTION." on line 10

Insert: "Every 5 years, the department shall review authorizations to degrade state waters. To enable the department to adequately review authorizations as required under this section, the authorization holder shall revise the initial authorization application no sooner than 3 1/2 years and no later than 4 years after the date of the authorization or the date of the latest department review. The specific revised information required must be determined by the department. If, based on the review, the department determines that the standards and objectives of 75-5-303 or the rules adopted pursuant to 75-5-303 are not being met, it shall revoke or modify the authorization. A decision by the department to revoke or modify an authorization may be appealed to the board."

5. Page 13, lines 12 through 15.

Strike: Section 6 in its entirety

Insert: "NEW SECTION. Section 6. Fees required for nondegradation application, monitoring, and enforcement. (1) Application fees for authorization to degrade state waters and fees for authorization review under 75-5-303(6) may not exceed the following:

(a) \$2,500 for domestic sewage treatment plant discharges;

(b) \$5,000 for industrial discharges; and

(c) \$200 per lot for subdivisions reviewed under Title 76, chapter 4.

(2) The minimum annual monitoring and enforcement fee for degradation authorizations is \$250 and may not exceed \$2,500 per million gallons discharged per day."

6. Page 13.

Following: line 20



Insert: "NEW SECTION. Section 8. Coordination instruction. If House Bill No. 388 is passed and approved and if it requires the department of health and environmental sciences to impose and collect fees for authorizations to degrade state waters, then [section 6 of this act] is void.

NEW SECTION. Section 9. Severability. If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications."

And, as amended, be concurred in. Report adopted.

**SJR 29**, third reading copy, be amended as follows:

1. Title, line 7.

Strike: "DIRECTING"

Insert: "REQUESTING"

2. Page 3, line 19.

Following: "implementation"

Insert: "and enforcement"

And, as amended, be concurred in. Report adopted.

#### MESSAGES FROM THE SENATE

House bills concurred in and returned to the House:

4/13/93

**HB 402**, introduced by Strizich

**HB 430**, introduced by Strizich

**HB 539**, introduced by Brown

**HB 559**, introduced by Anderson

**HB 601**, introduced by Schye

**HB 639**, introduced by Driscoll

**HB 640**, introduced by Driscoll

House bills concurred in as amended and returned to the House for concurrence in Senate amendments:

4/13/93

**HB 13**, introduced by Benedict

**HB 219**, introduced by Gilbert

**HB 350**, introduced by Mason

**HB 505**, introduced by Cocchiarella

**HB 516**, introduced by DeBruycker

**HB 519**, introduced by Barnhart

**HB 555**, introduced by Pavlovich

**HB 588**, introduced by Tunby

**HB 593**, introduced by Schye

**HB 680**, introduced by Ream

**HB 687**, introduced by Elliott

April 13, 1993

House bills requested to be returned to the Senate for further consideration: 4/13/93

**HB 65**, introduced by Cocchiarella

**HB 70**, introduced by S. Rice

**HB 322**, introduced by Feland

Senate joint resolutions passed and transmitted to the House for concurrence: 4/13/93

**SJR 30**, introduced by Harding

**SJR 32**, introduced by Halligan

Free conference committee report #1 adopted:

**HB 273**, introduced by Dolezal

### FIRST READING AND COMMITMENT OF BILLS AND RESOLUTIONS

The following House joint resolution was introduced, read first time, and referred to committee:

**HJR 32**, introduced by Schwinden, S. Rice, L. Nelson, Elliott, Burnett, Jergeson, Schye, Raney, Eck, Hansen, Molnar, Brooke, Orr, D. Brown, Whalen, Swanson, J. Johnson, Dolezal, DeBruycker, Towe, Barnhart, Endy, Quilici, Dowell, Kennedy, Ryan, Cocchiarella, Gervais, Bird, Ewer, Stanford, Harper, Fisher, Kadas, Squires, Toole, McCulloch, Clark, Vogel, Ream, Wyatt, Galvin, Bergsagel, Mercer, Foster, Kasten, McCaffree, Wanzenried, Harrington, Winslow, Davis, Spring, Larson, Bachini, Peck, Brandewie, Tunby, T. Nelson, Stovall, Zook, Tash, Grady, Benedict, Cobb, Anderson, Wagner, Smith, R. Johnson, M. Hanson, Mason, Knox, Grimes, Rehbein, Simpkins, Bohlinger, Hibbard, Ellis, Feland, Keller, Peterson, Fagg, Herron, Hayne, Bergman, Mills, Barnett, Wallin, Devlin, Brenden, Harding, Tveit, Crippen, Grosfield, Mesaros, Aklestad, Swift, Hertel, Forrester, Toews, Keating, Christiaens, B. Brown, Fritz, Stang, Halligan, Koehnke, Van Valkenburg, Weldon, Hockett, Klampe, McClerman, Rea, Jacobson, Waterman, Bartlett, Blaylock, Lynch, Beck, Doherty, Pipinich, Bruski-Maus, Vaughn (by request of the House of Representatives and the Senate), referred to Committee on Rules

The following Senate joint resolutions were introduced, read first time, and referred to committee:

**SJR 30**, introduced by Harding, Stang, D. Brown, Burnett, Forrester, Bruski-Maus, Gage, Crippen, Aklestad, Weldon, Hockett, Devlin, Tveit, Wilson, Franklin, Keating, referred to Committee on State Administration

**SJR 32**, introduced by Halligan, Ream, referred to Committee on Taxation

### ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Representative J. Rice moved the House adjourn until 9:00 a.m., Wednesday, April 14, 1993. Motion carried.

House adjourned at 5:56 p.m.

John Mercer, Speaker

Marilyn Miller, Chief Clerk

## **EIGHTY-SECOND LEGISLATIVE DAY**

Helena, Montana  
April 14, 1993

House Chambers  
State Capitol

House convened at 9:00 a.m. Mr. Speaker in the Chair. Invocation by Representative Sayles. Pledge of Allegiance to the Flag.

Roll call. All members present. Quorum present.

Mr. Speaker: We, your committee on Legislative Administration/Bills and Journal, having examined the daily journals for the seventy-eighth and seventy-ninth legislative days, find the same to be correct.

Harriet Hayne, Chairman

### **REPORTS OF STANDING COMMITTEES**

BILLS (Hayne, Chairman):

4/14/93

Correctly printed for second reading: HB 692.

Correctly engrossed for third reading: SB 87, SB 289, SB 374.

Correctly enrolled: HB 10, HB 157, HB 563, HB 668, HB 674.

### **MESSAGES FROM THE GOVERNOR**

The Honorable John Mercer  
Speaker of the House  
State Capitol  
Helena, Montana 59620

April 12, 1993

Dear Representative Mercer:

Please be informed that I have signed House Bills 421, 481, 503, 528, 550, 574, 632, and 656 on April 12, 1993.

Sincerely,

MARC RACICOT  
Governor

The Honorable John Mercer  
Speaker of the House  
State Capitol  
Helena, Montana 59620

April 13, 1993

Dear Representative Mercer:

Please be informed that I have signed House Bills 144, 191, 228, 238, 278, 394, 448, 454, 474, 512, 541, 571, 575, 592, 635, and 659 on April 13, 1993.

Sincerely,

MARC RACICOT  
Governor



**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Grimes in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**SB 118** - Representative Hansen moved SB 118, third reading copy, be amended as follows (amendment #1):

1. Page 10, lines 12 and 13.

Following: "to"

Strike: "which" on line 12 through "department," on line 13

2. Page 14, line 12.

Following: "FACILITY"

Insert: "who needs skilled nursing care"

Amendment #1 passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 96

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: Menahan, Raney, Whalen, Winslow.

Total 4

Representative Boharski moved SB 118, third reading copy, be further amended as follows (amendment #2):

1. Title, line 9.

Following: "1."

Insert: "PROHIBITING MEDICAID PAYMENT TO PERSONAL-CARE FACILITIES;"

April 14, 1993

2. Title, line 11.

Strike: "AND"Following: "1"

Insert: "AND 53-6-101,"

3. Page 27.

Following: line 13

Insert: "Section 6. Section 53-6-101, MCA, is amended to read:

"53-6-101. Montana medicaid program -- authorization of services. (1) There is a Montana medicaid program established for the purpose of providing necessary medical services to eligible persons who have need for medical assistance. The Montana medicaid program is a joint federal-state program administered under this chapter and in accordance with Title XIX of the federal Social Security Act (42 U.S.C. 1396, et seq.), as may be amended. The department of social and rehabilitation services shall administer the Montana medicaid program.

(2) Medical assistance provided by the Montana medicaid program includes the following services:

- (a) inpatient hospital services;
- (b) outpatient hospital services;
- (c) other laboratory and x-ray services, including minimum mammography examination as defined in 33-22-132;
- (d) skilled nursing services in long-term care facilities;
- (e) physicians' services;
- (f) nurse specialist services;
- (g) early and periodic screening, diagnosis, and treatment services for persons under 21 years of age;
- (h) ambulatory prenatal care for pregnant women during a presumptive eligibility period, as provided in 42 U.S.C. 1396a(a)(47) and 42 U.S.C. 1396r-1;
- (i) targeted case management services, as authorized in 42 U.S.C. 1396n(g), for high-risk pregnant women;
- (j) services provided by physician assistants-certified within the scope of their practice and that are otherwise directly reimbursed as allowed under department rule to an existing provider;
- (k) health services provided under a physician's orders by a public health department; and
- (l) federally qualified health center services, as defined in 42 U.S.C. 1396d(l)(2).

(3) Medical assistance provided by the Montana medicaid program may, as provided by department rule, also include the following services:

- (a) medical care or any other type of remedial care recognized under state law, furnished by licensed practitioners within the scope of their practice as defined by state law;
- (b) home health care services;
- (c) private-duty nursing services;
- (d) dental services;
- (e) physical therapy services;

(f) mental health center services administered and funded under a state mental health program authorized under Title 53, chapter 21, part 2;

(g) clinical social worker services;

(h) prescribed drugs, dentures, and prosthetic devices;

(i) prescribed eyeglasses;

(j) other diagnostic, screening, preventive, rehabilitative, chiropractic, and osteopathic services;

(k) inpatient psychiatric hospital services for persons under 21 years of age;

(l) services of professional counselors licensed under Title 37, chapter 23;

(m) hospice care, as defined in 42 U.S.C. 1396d(o);

(n) case management services as provided in 42 U.S.C. 1396d(a) and 1396n(g), including targeted case management services for the mentally ill but limited to services provided in crisis intervention programs;

(o) inpatient psychiatric services for persons under 21 years of age, as provided in 42 U.S.C. 1396d(h), in a residential treatment facility, as defined in 50-5-101, that is licensed in accordance with 50-5-201; and

(p) any additional medical service or aid allowable under or provided by the federal Social Security Act.

(4) The department may implement, as provided for in Title XIX of the federal Social Security Act (42 U.S.C. 1396, et seq.), as may be amended, a program under medicaid for payment of medicare premiums, deductibles, and coinsurance for persons not otherwise eligible for medicaid.

(5) The department may set rates for medical and other services provided to recipients of medicaid and may enter into contracts for delivery of services to individual recipients or groups of recipients.

(6) The services provided under this part may be only those that are medically necessary and that are the most efficient and cost-effective.

(7) The amount, scope, and duration of services provided under this part must be determined by the department in accordance with Title XIX of the federal Social Security Act (42 U.S.C. 1396, et seq.), as may be amended.

(8) Services, procedures, and items of an experimental or cosmetic nature may not be provided.

(9) If available funds are not sufficient to provide medical assistance for all eligible persons, the department may set priorities to limit, reduce, or otherwise curtail the amount, scope, or duration of the medical services made available under the Montana medicaid program.

(10) Community-based medicaid services, as provided for in part 4 of this chapter, must be provided in accordance with the provisions of this chapter and the rules adopted thereunder.

(11) Medicaid payment for personal-care facilities may not be made unless the department certifies to the director of the governor's office of budget and program planning that payment to

this type of provider would, in the aggregate, be a cost-effective alternative to services otherwise provided."

Renumber: subsequent sections

Amendment #2 passed as follows:

Ayes: Anderson, Bardanouve, Barnett, Benedict, Bergman, Bergsagel, Boharski, Bohlinger, Brandewie, Brown, Clark, Cobb, Cocchiarella, DeBruycker, Elliott, Ellis, Endy, Fagg, Feland, Fisher, Foster, Gilbert, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Harper, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Mason, McCarthy, Mills, L. Nelson, T. Nelson, Orr, Pavlovich, Peterson, Raney, Rehbein, J. Rice, S. Rice, Rose, Sayles, Schye, Simon, Simpkins, Smith, Spring, Stanford, Stovall, Swanson, Tash, Tunby, Tuss, Vogel, Wagner, Wallin, Winslow, Wiseman, Zook, Mr. Speaker.

Total 69

Noes: Bachini, Barnhart, Bird, Brooke, Daily, Davis, Dolezal, Dowell, Driscoll, Ewer, Galvin, Gervais, Hansen, Harrington, Larson, McCaffree, McCulloch, Molnar, Peck, Quilici, Ream, Russell, Ryan, Schwinden, Squires, Toole, Wanzenried, Wyatt.

Total 28

Excused: None.

Total 0

Absent or not voting: Menahan, Strizich, Whalen.

Total 3

Representative Hansen moved SB 118, as amended, be concurred in.  
Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 95

Noes: Bergsagel, Cobb, DeBruycker, Rehbein.

Total 4

Excused: None.

Total 0

Absent or not voting: Schwinden.



Total 1

**SB 424** - Representative L. Nelson moved SB 424, third reading copy, be amended as follows (amendment #1):

1. Committee amendments of April 7, 1993, item 12.

Inserted material, line 6

Following: "lease,"

Insert: "the production capabilities,"

Amendment #1 passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 99

Noes: Gilbert.

Total 1

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Hibbard moved SB 424, third reading copy, be further amended as follows (amendment #2):

1. Title, line 16.

Following: "77-6-502,"

Insert: "77-6-507,"

2. Page 12.

Following: line 7

Insert: "Section 13. Section 77-6-507, MCA, is amended to read:

"77-6-507. Formula for fixing annual rental. (1) In this section:

(a) "animal unit" means one cow, one horse, five sheep, or five goats;

(b) "animal-unit-month carrying capacity" means that amount of natural feed necessary for the complete subsistence of one animal unit for 1 month.

(2) The board shall establish the ~~minimum~~ per annum rental rate per section of all grazing lands that are the property of the state by multiplying ~~six~~ a factor established by the board pursuant to 77-6-502 times the average price per pound of beef cattle on the farm in Montana for the previous year times the animal-unit-month carrying capacity of the land.

(3) The carrying capacity of the land to be used in the above formula must be in accordance with the determinations of the department made under 77-6-201.

(4) The average price per pound of beef cattle on the farm in Montana must be taken from statistics published by the United States department of agriculture current at the time of computation of the rental or from other reliable sources current at that time.

(5) In establishing the rental rate described in subsection (2), the board shall consider applicable elements that include but are not limited to those set forth in [section 12]."

3. Page 12, line 25.

Following: "12"

Insert: "and 13"

4. Page 13, line 10.

Strike: "10"

Insert: "13"

Amend House Taxation Committee Standing Committee report amendments dated April 7, 1993:

5. Amendment No. 12.

Following: "NEW SECTION. Section"

Strike: "11"

Insert: "12"

6. Amendment 13.

Strike: "11 and"

Following: "12"

Insert: "and 13"

7. Amendment 14.

Strike: "11 and"

8. Amendment 15.

Following: "NEW SECTION."

Strike: "15"

Insert: "17"

Amendment #2 passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Boharski, Bohlenger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, DeBruycker, Dolezal, Dowell, Elliott, Ellis, Endy, Fagg, Feland, Fisher, Foster, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper,

Harrington, Hayne, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 84

Noes: Bergsagel, Bird, Davis, Driscoll, Gervais, Gilbert, Raney, Tuss, Vogel.  
Total 9

Excused: None.  
Total 0

Absent or not voting: Bergman, Ewer, Galvin, Grady, Herron, Molnar, Stanford.  
Total 7

Representative Harper moved SB 424, third reading copy, be further amended as follows (amendment #3):

1. Page 6, lines 4 and 5.

Strike: "must then"

Insert: "may"

Amendment #3 passed as follows:

Ayes: Bachini, Bardanouve, Barnett, Barnhart, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Elliott, Ellis, Endy, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 92

Noes: Benedict, Mills, Rose.  
Total 3

Excused: None.  
Total 0

Absent or not voting: Anderson, Bergsagel, Driscoll, Ewer, Herron.  
Total 5

Representative Hibbard moved SB 424, as amended, be concurred in.

April 14, 1993

After a lengthy debate, Representative Dowell moved for cloture on SB 424. Motion carried.

Representative Hibbard moved his original motion that SB 424, as amended, be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bird, Bohlinger, Brandewie, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, Harper, Harrington, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wallin, Whalen, Winslow, Wiseman, Zook, Mr. Speaker.

Total 88

Noes: Bergsagel, Boharski, Cobb, Fisher, M. Hanson, Hayne, Peck, Peterson, Wagner, Wanzenried, Wyatt.

Total 11

Excused: None.

Total 0

Absent or not voting: Bergman.

Total 1

**SB 379** - Representative Elliott moved SB 379 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, McCarthy, McCulloch, Menahan, Mills, Molnar, T. Nelson, Orr, Pavlovich, Peck, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 90

Noes: Bergsagel, Bird, Herron, Mason, McCaffree, Peterson, Rehbein, Whalen.

Total 8

Excused: None.

Total 0



Absent or not voting: L. Nelson, Schye.

Total 2

**SB 438** - Representative Elliott moved SB 438 be concurred in. Motion carried as follows:

Ayes: Anderson, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Gervais, Gilbert, Grady, Grimes, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 89

Noes: Bachini, Bergsagel, Bird, Galvin, Hayne, Herron, McCaffree, Peck, Peterson, Rehbein.

Total 10

Excused: None.

Total 0

Absent or not voting: Grinde.

Total 1

**HB 692** - Representative Wagner moved HB 692, second reading copy, be amended (amendment #1). Amendment #1 failed as follows: (44-56)

Representative Wanzenried moved HB 692, second reading copy, be amended as follows (amendment #2):

1. Page 50, lines 11 and 12.

Strike: second "the" on line 11 through "of" on line 12

2. Page 50, line 13.

Following: "1993"

Strike: ", plus"

Insert: "; (b)"

Renumber: subsequent subsections

3. Page 50, line 15.

Strike: "until"

Insert: "as long as"

4. Page 50, line 16.

Strike: "is reached"

Insert: "has not already been reached or exceeded by the rights protected under subsection (1)(a)"

Amendment #2 passed as follows:

Ayes: Anderson, Bachini, Bardanoue, Barnett, Barnhart, Bergman, Bird, Bohlinger, Brandewie, Brooke, Brown, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, Orr, Pavlovich, Peck, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Schwinden, Schye, Simon, Simpkins, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook.  
Total 86

Noes: Benedict, Bergsagel, Clark, Hayne, Herron, T. Nelson, Peterson, Rehbein, Sayles, Smith, Wagner.  
Total 11

Excused: None.  
Total 0

Absent or not voting: Boharski, Grinde, Mr. Speaker.  
Total 3

Representative Wanzenried moved HB 692, as amended, do pass. Motion carried as follows:

Ayes: Bachini, Bardanoue, Barnett, Barnhart, Benedict, Bird, Bohlinger, Brandewie, Brooke, Brown, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grimes, Grinde, Hansen, H.S. Hanson, Harper, Harrington, Hibbard, J. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, L. Nelson, T. Nelson, Pavlovich, Peck, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Wallin, Wanzenried, Whalen, Winslow, Wyatt, Zook, Mr. Speaker.  
Total 79

Noes: Anderson, Bergman, Bergsagel, Boharski, Clark, DeBruycker, Grady, M. Hanson, Hayne, Herron, R. Johnson, Mills, Molnar, Orr, Peterson, Rehbein, Smith, Spring, Vogel, Wagner, Wiseman.  
Total 21

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

Representative Grinde moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. House resumed. Mr.

Speaker in the Chair. Chairman Grimes moved the adoption of the committee report. Report adopted. (89-7)

### REPORTS OF STANDING COMMITTEES

HUMAN SERVICES AND AGING (Boharski, Chairman):

4/14/93

**SB 271**, third reading copy, be amended as follows:

1. Title, line 8.

Following: "ESTABLISHING"

Insert: "A PILOT PROGRAM FOR A"

2. Title, line 9.

Strike: "BOARDS"

Insert: "BOARD"

3. Title, line 10.

Following: "41-3-205,"

Insert: "41-3-1115, AND"

Following: "AND"

Strike: remainder of line 10

4. Title, line 11.

Strike: "REPEALING SECTION 41-3-1115, MCA;"

Strike: "AN"

5. Title, line 12.

Strike: "DATE"

Insert: "DATES"

6. Page 1, line 16; page 19, line 7.

Strike: "13" or "13"

Insert: "14"

7. Page 1, line 16.

Following: "Board"

Insert: "Pilot Program"

8. Page 1.

Following: line 17

Insert: NEW SECTION. Section 2. Establishment of pilot program. (1)

The office of the supreme court administrator shall solicit written indication of interest from each youth court judge interested in having a local citizen review board established pursuant to [sections 1 through 14] within the jurisdiction of the youth court.

(2) (a) There is a local citizen review board screening committee. The committee is composed of the following members:

(i) a member of the house of representatives, designated by the speaker of the house;

(ii) a member of the senate, designated by the president of the senate;

(iii) a representative of the Montana judges' association, designated by the association; and

(iv) a representative of the office of the supreme court administrator, designated by the chief justice of the supreme court.

(b) The members designated pursuant to subsections (2)(a)(i) and (2)(a)(ii) must be from different political parties.

(3) The committee shall meet at a time agreeable to its members, and the members shall serve without additional compensation.

(4) The committee shall review the responses of youth court judges received pursuant to subsection (1) and shall designate a judicial district to operate the local citizen review board pilot program from among those courts expressing an interest in the program."

Renumber: subsequent sections

9. Page 1, line 20.

Strike: "supreme court"

Insert: "youth court judge of the district designated pursuant to [section 2] to operate the pilot program"

10. Page 1, line 21.

Strike: "each"

Insert: "the"

11. Page 1, lines 21 and 22.

Strike: "in the state"

12. Page 1, line 23.

Strike: "each"

Insert: "the"

13. Page 2, lines 2 and 6.

Strike: "chief justice of the supreme court"

Insert: "youth court judge of the judicial district designated pursuant to [section 2]"

14. Page 2, line 6.

Following: "appoint"

Insert: "the"

Strike: "boards"

Insert: "board"

15. Page 2, lines 22 through 25.

Strike: subsection (d) in its entirety

Renumber: subsequent subsection

16. Page 3, lines 8 and 9.

Strike: "office" on line 8 through "court," on line 9

Insert: "youth court of the judicial district designated pursuant to [section 2]"

17. Page 3, line 10.

Following: "procedures"

Insert: "that have the force of law"



18. Page 3, line 11.

Following: "of"

Insert: "the"

Strike: "boards"

Insert: "board"

19. Page 3, line 14.

Following: "request to"

Insert: "the"

20. Page 3, lines 15 and 17.

Strike: "boards"

Insert: "board"

21. Page 3, lines 18 through 20.

Strike: "office" on line 18 through "court," on line 20

Insert: "youth court of the judicial district designated pursuant to [section 2] shall, at the time prescribed by 5-11-210, prepare"

Strike: "biennial"

22. Page 3, line 25.

Following: "of"

Insert: "the"

Strike: "boards"

Insert: "board"

23. Page 4, line 4.

Strike: "supreme court"

Insert: "youth court of the judicial district designated pursuant to [section 2]"

Following: "procedures"

Insert: "that have the force of law"

24. Page 4, line 5.

Following: "board"

Insert: "pilot"

25. Page 4, lines 7 and 8.

Following: the second "of" on line 7

Insert: "the"

Strike: "boards" on line 8

Insert: "board"

26. Page 5, line 4.

Following: "which"

Insert: "the"

Strike: "boards"

Insert: "board"

27. Page 5, line 9.

Strike: "3(3)"

Insert: "4(3)"

28. Page 5, line 17.

Strike: "6"

Insert: "7"

29. Page 6, line 5.

Strike: "Each"

Insert: "The"

30. Page 8, line 16.

Strike: "3"

Insert: "4"

31. Page 11, line 2.

Strike: "7"

Insert: "8"

32. Page 11, line 10.

Following: "care,"

Insert: "the"

Strike: "boards"

Insert: "board"

33. Page 11, line 23.

Following: "agency"

Insert: "or other persons"

34. Page 12, line 21.

Following: "recommendations"

Insert: "or refuses to take action on the board's recommendations in any case"

35. Page 16, line 12; page 21, line 4.

Strike: "9" or "9"

Insert: "10"

36. Page 19, line 6.

Following: "a"

Insert: "foster care review committee established under 41-3-1115 or, when applicable, the"

37. Page 19.

Following: line 23

Insert: "Section 16. Section 41-3-1115, MCA, is amended to read:

"41-3-1115. Foster care review committee. (1) In Except as provided in [sections 1 through 14], in every judicial district the youth court judge, in consultation with the department, shall appoint a foster care review committee. The members of the committee must be willing to act without compensation. The committee shall be composed of not less than five or more than seven members. The members shall include:

(a) a representative of the department;

(b) a representative of the youth court;

(c) someone knowledgeable in the needs of children in foster care placements who is not employed by the department or the youth court;

(d) a representative of a local school district;

(e) if the child whose care under review is an Indian, someone, preferably an Indian person, knowledgeable about Indian cultural and family matters who is appointed effective only for and during that review; and

(f) if there is one, the foster parent of the child whose care is under review. The foster parent's appointment is effective only for and during that review.

(2) When a child is in foster care under the supervision of the department or if payment for care is made pursuant to 41-3-1122, the committee shall conduct a review of the foster care status of the child. The review must be conducted within a time limit established by the department. The time limit must comply with federal law and may not be later than the 12-month anniversary date of the child's placement into foster care.

(3) The department shall provide the committee with guidelines for operation of the committee. Within 30 days of the foster care review, the committee shall provide the youth court and the department a written report of its findings and recommendations for further action by the youth court or the department.

(4) The department shall adopt rules necessary to carry out the purposes of this section.

(5) Because of the individual privacy involved, meetings of the committee, reports of the committee, and information on individuals' cases shared by committee members is confidential and subject to the confidentiality requirements of the department.

(6) The committee is subject to the call of the youth court judge to meet and confer with ~~him~~ the judge on all matters pertaining to the foster care of a child before the youth court."

Renumber: subsequent sections

38. Page 21, line 4.

Following: "~~41-3-1115~~"

Insert: "41-3-1115 or when applicable,"

39. Page 21, line 7 through page 22, line 18.

Strike: Sections 16 and 17 in their entirety

Renumber: subsequent sections

40. Page 22, lines 24 and 25.

Strike: "\$73,592 IN FISCAL 1994 AND \$73,592 IN FISCAL 1995 FROM THE GENERAL FUND"

Insert: "\$10,513 from the general fund for the biennium ending June 30, 1995,"

41. Page 23, lines 1 through 3.

Strike: "MONTANA SUPREME COURT \$242,908 IN FISCAL 1994 AND \$242,908 IN FISCAL 1995 FROM THE GENERAL FUND"

Insert: "youth court of the judicial district designated pursuant to [section 2] \$113,232 from the general fund for the biennium ending June 30, 1995,"

42. Page 23, lines 4 through 8.

Strike: subsection (2) in its entirety

Renumber: subsequent subsection

43. Page 23, line 9.

Strike: "SUBSECTIONS (1) AND (2) ARE"

Insert: "subsection (1) is"

44. Page 23, lines 12 and 13.

Strike: section 19 in its entirety

Renumber: subsequent section

45. Page 23, line 14.

Strike: "date"

Insert: "dates"

Strike: "[This act]"

Insert: "(1) [Sections 18 and 20 and this section] are effective on passage and approval.

(2) [Section 4]"

46. Page 23.

Following: line 15

Insert: "(3) [Sections 1 through 3 and 5 through 17] are effective January 1, 1997.

NEW SECTION. Section 20. Termination. [This act] terminates July 1, 1995."

And, as amended, be concurred in. Report adopted.

STATE ADMINISTRATION (Simpkins, Chairman):

4/14/93

**HJR 31**, introduced bill, do pass. Report adopted.

TAXATION (Gilbert, Chairman):

4/14/93

**HJR 30**, introduced bill, do pass. Report adopted.

Adverse Committee Report

**SB 436**, be not concurred in.

Representative Grinde moved the House recess until 1:00 p.m. Motion carried.

House recessed at 11:15 a.m.

House reconvened at 1:03 p.m. Mr. Speaker in the Chair.



**SPECIAL ORDERS OF THE DAY**

Mr. Speaker appointed House Majority Leader Grinde and House Minority Leader Schye to escort Governor Marc Racicot into the House Chamber.

Governor Racicot read the following proclamation:

**STATE OF MONTANA PROCLAMATION**

WHEREAS, Francis Bardanouve, a native of Harlem, Montana, has served his fellow Montanans in the House of Representatives since 1959; and

WHEREAS, during his legislative career, he was a member of the Legislative Council from 1965-1972 -- serving as secretary in 1967-68, vice chairman in 1969-70 and chairman in 1971-72; and

WHEREAS, Francis Bardanouve also served as Chairman of the Appropriations Committee for a great many of his years; and

WHEREAS, he has faithfully and diligently served the interests of the people of his district and the people of Montana; and

WHEREAS, Francis Bardanouve has become a living institution and Dean of the Legislature, and plans to retire at the end of the current legislative session.

NOW, THEREFORE, I, MARC RACICOT, Governor of the State of Montana, do hereby proclaim Wednesday, April 14, 1993, as

**FRANCIS BARDANOUE DAY**

in Montana.

Governor Racicot then presented Representative Bardanouve with a framed copy of the proclamation.

Representatives Grinde and Schye escorted the Governor from the House Chamber.

Representative S. Rice introduced the following former and present seat mates of Representative Bardanouve and they each gave a personal tribute and a gift to Representative Bardanouve:

Warren H. Davis - 1963

John B. Driscoll - 1973

Bob Raney - 1985

Jim Elliott - 1989

Sheila Rice - 1991

Dore Schwinden - 1993

Mr. Speaker reverted to Order of Business eight to process HJR 32 commemorating the long and distinguished service of Representative Francis Bardanouve.

### THIRD READING OF BILLS

The following House joint resolution having been read three several times, title and history agreed to, was disposed of in the following manner:

**HJR 32** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 100

Noes: None.  
Total 0

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

### SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Grimes in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**SB 401** - Representative Harper moved SB 401, third reading copy, be amended (amendment #1). Amendment #1 failed as follows: (46-54)

Representative Toole moved SB 401, third reading copy, be amended as follows (amendment #2):

1. Page 8, line 25.  
Strike: "and"

2. Page 9, line 16.

Following: 75-5-303(3)

Insert: "; and

(6) to the extent practicable, ensure that the rules adopted under subsection (5) establish objective and quantifiable criteria for various parameters. These criteria must, to the extent practicable, constitute guidelines for granting or denying applications for authorization to degrade high-quality waters under the policy established in 75-5-303(2) and (3)."

Amendment #2 passed as follows:

Ayes: Bachini, Bardanouve, Barnhart, Boharski, Bohlinger, Brooke, Cobb, Cocchiarella, Daily, Dolezal, Dowell, Driscoll, Elliott, Ewer, Fagg, Galvin, Gervais, Hansen, Harper, Harrington, Herron, J. Johnson, Kadas, Larson, McCaffree, McCulloch, Menahan, Molnar, L. Nelson, Pavlovich, Peck, Raney, Ream, J. Rice, S. Rice, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Squires, Stanford, Strizich, Swanson, Toole, Tuss, Wanzenried, Whalen, Wyatt.

Total 50

Noes: Anderson, Barnett, Benedict, Bergman, Bergsagel, Bird, Brandewie, Brown, Clark, Davis, DeBruycker, Ellis, Endy, Feland, Fisher, Foster, Gilbert, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Hibbard, Kasten, Keller, Knox, Mason, McCarthy, Mills, Orr, Peterson, Quilici, Rehbein, Rose, Simpkins, Smith, Spring, Stovall, Tash, Tunby, Vogel, Wagner, Wallin, Winslow, Wiseman, Zook, Mr. Speaker.

Total 48

Excused: None.

Total 0

Absent or not voting: R. Johnson, T. Nelson.

Total 2

Representative Orr moved SB 401, as amended, be concurred in.

Representative Raney made a substitute motion SB 401, as amended, be not concurred in. Motion failed. (39-61)

Thereupon, motion to concur in SB 401, as amended, passed as follows:

Ayes: Anderson, Barnett, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brown, Clark, Cobb, Daily, Ellis, Endy, Fagg, Feland, Fisher, Foster, Galvin, Gilbert, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Herron, Hibbard, R. Johnson, Kasten, Keller, Knox, Mason, McCarthy, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peterson, Quilici, Rehbein, Rose, Sayles, Simon, Simpkins, Smith, Spring, Stovall, Tash, Tunby, Wagner, Wallin, Winslow, Zook, Mr. Speaker.

Total 58

Noes: Bachini, Bardanouve, Barnhart, Brooke, Cocchiarella, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ewer, Gervais, Hansen,

Harper, Harrington, J. Johnson, Kadas, Larson, McCaffree, McCulloch, Menahan, Peck, Raney, Ream, J. Rice, S. Rice, Russell, Schwinden, Schye, Squires, Stanford, Strizich, Swanson, Toole, Tuss, Vogel, Wanzenried, Whalen, Wiseman, Wyatt.  
Total 41

Excused: None.  
Total 0

Absent or not voting: Ryan.  
Total 1

**SJR 29** - Representative Schwinden moved SJR 29 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Foster, Galvin, Gervais, Grady, Grimes, Hansen, H.S. Hanson, M. Hanson, Harrington, Hayne, Hibbard, J. Johnson, R. Johnson, Keller, Knox, Larson, Mason, McCaffree, McCarthy, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Smith, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 84

Noes: Bergsagel, Brown, DeBruycker, Feland, Fisher, Gilbert, Grinde, Harper, Herron, Kadas, Kasten, Rehbein, Simpkins, Spring, Wagner.  
Total 15

Excused: None.  
Total 0

Absent or not voting: McCulloch.  
Total 1

**SB 357** - Representative Toole moved SB 357 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Barnett, Barnhart, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Endy, Ewer, Fagg, Foster, Galvin, Gervais, Grady, Grimes, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hibbard, J. Johnson, R. Johnson, Kadas, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, L. Nelson, T. Nelson, Pavlovich, Peck, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 79



Noes: Benedict, Bergsagel, Cobb, DeBruycker, Feland, Fisher, Gilbert, Hayne, Herron, Kasten, Keller, Molnar, Orr, Peterson, Rehbein, Spring, Wagner.  
Total 17

Excused: None.  
Total 0

Absent or not voting: Bardanouve, Bergman, Ellis, Grinde.  
Total 4

**HB 2** - Representative Zook moved Senate amendments to HB 2 be not concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brown, Clark, Cobb, Daily, Davis, Ellis, Endy, Fagg, Feland, Fisher, Foster, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, Kadas, Kasten, Keller, Knox, Larson, McCaffree, McCarthy, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Simon, Simpkins, Smith, Spring, Squires, Stovall, Swanson, Tash, Toole, Tunby, Vogel, Wagner, Wallin, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 75

Noes: Brooke, Cocchiarella, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ewer, Galvin, Gervais, R. Johnson, McCulloch, Menahan, Raney, Ryan, Sayles, Schwinden, Schye, Stanford, Strizich, Tuss, Wanzenried, Whalen.  
Total 23

Excused: None.  
Total 0

Absent or not voting: Bardanouve, Mason.  
Total 2

Representative Grinde moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman Grimes moved the adoption of the committee report. Report adopted. (71-27)

Representative Grinde moved the House recess until 3:50 p.m. Motion carried.

House recessed at 3:08 p.m.

House reconvened at 4:15 p.m. Mr. Speaker in the Chair.

#### MESSAGES FROM THE SENATE

House bill concurred in and returned to the House:

4/14/93

**HB 388**, introduced by Gilbert

House bills concurred in as amended and returned to the House for concurrence in Senate amendments: 4/14/93

**HB 11**, introduced by R. Johnson

**HB 92**, introduced by Tunby

**HB 504**, introduced by Benedict

**HB 622**, introduced by Ewer

**HB 643**, introduced by Gilbert

**HB 645**, introduced by Schye

Senate Joint Resolutions passed and transmitted to the House for concurrence: 4/14/93

**SJR 28**, introduced by Doherty

**SJR 33**, introduced by Bartlett

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Grimes in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**SB 271** - Representative Boharski moved SB 271 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 94

Noes: DeBruycker, Hansen, Peck, Rehbein.

Total 4

Excused: None.

Total 0

Absent or not voting: Cobb, R. Johnson.

Total 2

**HB 335** - Representative Toole moved Senate amendments to HB 335 be not concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Grady, Grimes, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Peck, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 91

Noes: Bergsagel, DeBruycker, Feland, Gilbert, Rehbein, Sayles.

Total 6

Excused: None.

Total 0

Absent or not voting: Daily, Grinde, Pavlovich.

Total 3

**HB 579** - Representative Russell moved Senate amendments to HB 579 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Grady, Grimes, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 89

Noes: Bergsagel, Bird, Boharski, DeBruycker, Feland, Gilbert, Mason, Rehbein, Sayles.

Total 9

Excused: None.

Total 0

Absent or not voting: Grinde, Wagner.

Total 2

April 14, 1993

**HB 655** - Representative Simon moved Senate amendments to HB 655 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Hansen, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 97

Noes: Boharski.

Total 1

Excused: None.

Total 0

Absent or not voting: Grinde, H.S. Hanson.

Total 2

**HB 660** - Representative Peterson moved Senate amendments to HB 660 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 96

Noes: Boharski, DeBruycker.

Total 2

Excused: None.

Total 0

Absent or not voting: Grinde, Hansen.

Total 2



**HB 4** - Representative Zook moved Senate amendments to HB 4 be not concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanoue, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Fagg, Feland, Fisher, Foster, Galvin, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Tash, Toole, Tunby, Tuss, Wagner, Wallin, Wanzenried, Winslow, Wiseman, Zook, Mr. Speaker.

Total 88

Noes: Bergsagel, Brown, Ewer, Gervais, McCulloch, Raney, Schye, Vogel, Wyatt.

Total 9

Excused: None.

Total 0

Absent or not voting: Menahan, Swanson, Whalen.

Total 3

**HB 6** - Representative Bardanoue moved Senate amendments to HB 6 be not concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanoue, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 98

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: Grinde, L. Nelson.

Total 2

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**HB 7** - Representative Bergsagel moved Senate amendments to HB 7 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 98

Noes: Feland.

Total 1

Excused: None.

Total 0

Absent or not voting: Grinde.

Total 1

**HB 167** - Representative Brandewie moved Senate amendments to HB 167 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 97

Noes: McCaffree, Sayles.

Total 2

Excused: None.

Total 0

Absent or not voting: Grinde.

Total 1

**HB 181** - Representative Barnett moved Senate amendments to HB 181 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 96

Noes: Feland, Gilbert, McCaffree.

Total 3

Excused: None.

Total 0

Absent or not voting: Tuss.

Total 1

**HB 193** - Representative Tuss moved Senate amendments to HB 193 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 96

Noes: McCaffree, Peck.

Total 2

Excused: None.

Total 0

Absent or not voting: Grinde, S. Rice.

Total 2

**HB 303** - Representative S. Rice moved Senate amendments to HB 303 be concurred in. Motion carried as follows:

Ayes: Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Grady, Grimes, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, J. Johnson, R. Johnson, Kasten, Keller, Knox, Larson, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wallin, Wanzenried, Whalen, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 87

Noes: Anderson, Bergsagel, DeBruycker, Gilbert, Herron, Kadas, Mason, McCaffree, Rehbein, Spring, Wagner, Winslow.  
Total 12

Excused: None.  
Total 0

Absent or not voting: Grinde.  
Total 1

**HB 330** - Representative Bird moved Senate amendments to HB 330 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Ream, Rehbein, J. Rice, S. Rice, Rose, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 95

Noes: Barnhart, Harper, McCulloch, Raney, Russell.  
Total 5

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0



**HB 413** - Representative Quilici moved Senate amendments to HB 413 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Bohlinger, Brandewie, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Squires, Stanford, Strizich, Swanson, Tash, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 90

Noes: Bergsagel, Boharski, Cobb, Driscoll, Kasten, Rehbein, Winslow.  
Total 7

Excused: None.  
Total 0

Absent or not voting: Spring, Stovall, Toole.  
Total 3

**HB 436** - Representative T. Nelson moved Senate amendments to HB 436 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 98

Noes: Bergsagel, Rehbein.  
Total 2

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 453** - Representative Molnar moved Senate amendments to HB 453 be not concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Clark, Cobb, Daily, Davis, DeBruycker, Dolezal, Dowell, Ellis, Endy, Fagg, Feland, Fisher, Foster, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Stanford, Stovall, Swanson, Tash, Tunby, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 85

Noes: Brooke, Brown, Cocchiarella, Driscoll, Elliott, Ewer, Galvin, Gervais, Harrington, McCaffree, Ryan, Squires, Strizich, Toole, Tuss.  
Total 15

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 495** - Representative Elliott moved Senate amendments to HB 495 be concurred in.

Representative Pavlovich made a substitute motion Senate amendments to HB 495 be not concurred in. Motion carried as follows:

Ayes: Bachini, Benedict, Bergsagel, Bird, Boharski, Brandewie, Brown, Clark, Cobb, Cocchiarella, Daily, DeBruycker, Dolezal, Driscoll, Ellis, Ewer, Fagg, Feland, Fisher, Galvin, Gervais, Grinde, Hansen, H.S. Hanson, M. Hanson, Harrington, Hayne, R. Johnson, Knox, Larson, Mason, McCarthy, McCulloch, Menahan, Mills, Orr, Pavlovich, Peterson, Quilici, Ream, S. Rice, Rose, Simpkins, Squires, Stovall, Toole, Vogel, Wagner, Wallin, Whalen, Wiseman, Zook, Mr. Speaker.  
Total 53

Noes: Anderson, Bardanouve, Barnett, Barnhart, Bergman, Bohlinger, Brooke, Davis, Dowell, Elliott, Endy, Foster, Gilbert, Grady, Grimes, Harper, Herron, Hibbard, J. Johnson, Kadas, Kasten, Keller, McCaffree, L. Nelson, T. Nelson, Peck, Raney, Rehbein, J. Rice, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Smith, Stanford, Strizich, Swanson, Tash, Tunby, Tuss, Wanzenried, Winslow, Wyatt.  
Total 45

Excused: None.  
Total 0

Absent or not voting: Molnar, Spring.

Total 2

**HB 529** - Representative Strizich moved Senate amendments to HB 529 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Foster, Galvin, Gervais, Grady, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wallin, Wanzenried, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 85

Noes: Bergsagel, Cobb, DeBruycker, Feland, Fisher, Gilbert, Grimes, Grinde, Kasten, Keller, Knox, Rehbein, Wagner, Whalen, Winslow.

Total 15

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 642** - Representative Raney moved Senate amendments to HB 642 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnhart, Benedict, Bird, Bohlinger, Brandewie, Brooke, Brown, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Foster, Galvin, Gervais, Grady, Grimes, Hansen, H.S. Hanson, Harper, Harrington, Hibbard, J. Johnson, R. Johnson, Kadas, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wallin, Wanzenried, Whalen, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 81

Noes: Barnett, Bergman, Bergsagel, Boharski, Clark, Feland, Fisher, Gilbert, Grinde, M. Hanson, Hayne, Herron, Kasten, Keller, Rehbein, Rose, Smith, Wagner, Winslow.

Total 19

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 652** - Representative Larson moved Senate amendments to HB 652 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Barnhart, Benedict, Bergman, Bird, Bohlinger, Brandewie, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Foster, Galvin, Gervais, Grady, Grimes, Grinde, Hansen, H.S. Hanson, Harper, Harrington, Hayne, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, Orr, Pavlovich, Peck, Quilici, Raney, Ream, J. Rice, S. Rice, Russell, Ryan, Sayles, Schye, Simon, Simpkins, Smith, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 81

Noes: Bardanouve, Barnett, Bergsagel, Boharski, Cobb, DeBruycker, Feland, Fisher, Gilbert, M. Hanson, Herron, Kasten, Knox, T. Nelson, Peterson, Rehbein, Rose, Spring.

Total 18

Excused: None.

Total 0

Absent or not voting: Schwinden.

Total 1

Representative Grinde moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman Grimes moved the adoption of the committee report. Report adopted. (87-10)

Representative Grinde moved the House recess until 5:10 p.m. Motion carried.

House recessed at 4:53 p.m.

House reconvened at 5:15 p.m. Mr. Speaker in the Chair.

### THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**SB 87** concurred in as follows:

Ayes: Anderson, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Boharski, Bohlinger, Brandewie, Clark, Cobb, Ellis, Fagg, Feland, Fisher, Foster, Gilbert, Grimes, Grinde, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, R. Johnson, Kadas, Kasten, Keller, Knox, Mason, Mills, T. Nelson, Orr, Peterson, Ream, J. Rice, Sayles, Schye, Simon, Simpkins, Spring, Stovall, Tash, Toole, Tunby, Vogel, Wagner, Wallin, Winslow, Wiseman, Zook, Mr. Speaker.

Total 54



Noes: Bachini, Bardanouve, Bird, Brooke, Brown, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Endy, Ewer, Galvin, Gervais, Hansen, J. Johnson, Larson, McCaffree, McCarthy, McCulloch, Menahan, Molnar, L. Nelson, Pavlovich, Peck, Quilici, Raney, Rehbein, S. Rice, Rose, Russell, Ryan, Schwinden, Smith, Squires, Stanford, Strizich, Swanson, Tuss, Wanzenried, Whalen, Wyatt.

Total 45

Excused: None.

Total 0

Absent or not voting: Grady.

Total 1

**SB 289** not concurred in as follows:

Ayes: Anderson, Barnett, Benedict, Bergman, Bergsagel, Boharski, Bohlinger, Brandewie, Clark, Cobb, DeBruycker, Ellis, Fagg, Feland, Fisher, Foster, Gilbert, Grimes, Grinde, H.S. Hanson, M. Hanson, Herron, Hibbard, R. Johnson, Kasten, Keller, Knox, Mason, Mills, Molnar, T. Nelson, Orr, Peterson, Rehbein, J. Rice, Sayles, Simon, Simpkins, Smith, Stovall, Tunby, Vogel, Wagner, Wallin, Winslow, Wiseman, Zook, Mr. Speaker.

Total 48

Noes: Bachini, Bardanouve, Barnhart, Bird, Brooke, Brown, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Endy, Ewer, Galvin, Gervais, Grady, Hansen, Harper, Harrington, J. Johnson, Kadas, Larson, McCaffree, McCarthy, McCulloch, Menahan, L. Nelson, Pavlovich, Peck, Quilici, Raney, Ream, S. Rice, Rose, Russell, Ryan, Schwinden, Schye, Spring, Squires, Stanford, Strizich, Swanson, Tash, Toole, Tuss, Wanzenried, Whalen, Wyatt.

Total 51

Excused: None.

Total 0

Absent or not voting: Hayne.

Total 1

**SB 374** concurred in as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Boharski, Bohlinger, Brown, Clark, Cocchiarella, Daily, DeBruycker, Dolezal, Dowell, Driscoll, Ellis, Endy, Fagg, Fisher, Foster, Galvin, Gervais, Grady, Grimes, Hansen, H.S. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kasten, Keller, Knox, Mason, McCaffree, McCarthy, Menahan, Mills, L. Nelson, Pavlovich, Peterson, Quilici, Rehbein, J. Rice, S. Rice, Rose, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Stanford, Stovall, Strizich, Tash, Toole, Tuss, Vogel, Wanzenried, Whalen, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 72

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Noes: Bird, Brandewie, Brooke, Cobb, Davis, Elliott, Ewer, Feland, Gilbert, Grinde, M. Hanson, Kadas, Larson, Molnar, T. Nelson, Orr, Peck, Raney, Ream, Russell, Spring, Squires, Swanson, Tunby, Wagner, Wallin, Winslow.  
Total 27

Excused: None.

Total 0

Absent or not voting: McCulloch.

Total 1

**SB 118** concurred in as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 92

Noes: Bergsagel, Cobb, DeBruycker, Grady, Herron, Kasten, Peterson, Rehbein.

Total 8

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 379** concurred in as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Larson, Mason, McCarthy, McCulloch, Menahan, Mills, Molnar, T. Nelson, Orr, Pavlovich, Quilici, Raney, Ream, J. Rice, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Winslow, Wiseman, Wyatt, Mr. Speaker.

Total 86

Noes: Bergsagel, Bird, Gilbert, McCaffree, L. Nelson, Peterson, Rehbein, Rose, Spring, Whalen, Zook.  
Total 11

Excused: None.  
Total 0

Absent or not voting: Kasten, Peck, S. Rice.  
Total 3

**SB 424** concurred in as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Bohlinger, Brandewie, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, Harper, Harrington, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 90

Noes: Bergsagel, Boharski, Cobb, DeBruycker, Feland, Fisher, M. Hanson, Hayne, Peterson, Wagner.  
Total 10

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 438** concurred in as follows:

Ayes: Anderson, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Gervais, Gilbert, Grady, Grimes, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wyatt, Zook, Mr. Speaker.  
Total 91

Noes: Bachini, Bergsagel, Galvin, McCaffree, Peck, Rehbein.  
Total 6

Excused: None.

Total 0

Absent or not voting: Grinde, Hansen, Wiseman.

Total 3

**SB 401** concurred in as follows:

Ayes: Anderson, Barnett, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brown, Clark, Cobb, Daily, Ellis, Endy, Fagg, Feland, Fisher, Foster, Gilbert, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Harrington, Hayne, Hibbard, R. Johnson, Kasten, Keller, Knox, Larson, Mason, McCarthy, Mills, Molnar, L. Nelson, T. Nelson, Orr, Quilici, Rehbein, Rose, Sayles, Simon, Simpkins, Smith, Spring, Stovall, Tash, Tunby, Vogel, Wagner, Wallin, Winslow, Wiseman, Zook, Mr. Speaker.

Total 57

Noes: Bachini, Bardanouve, Barnhart, Bergsagel, Brooke, Cocchiarella, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ewer, Galvin, Gervais, Hansen, Harper, Herron, J. Johnson, Kadas, McCaffree, McCulloch, Menahan, Peck, Peterson, Raney, Ream, J. Rice, S. Rice, Russell, Ryan, Schwinden, Schye, Squires, Stanford, Strizich, Swanson, Toole, Tuss, Wanzenried, Whalen, Wyatt.

Total 42

Excused: None.

Total 0

Absent or not voting: Pavlovich.

Total 1

**SJR 29** concurred in as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Elliott, Ellis, Endy, Ewer, Fagg, Foster, Galvin, Gervais, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, J. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 86

Noes: Bergsagel, Brown, DeBruycker, Driscoll, Feland, Fisher, Gilbert, Harper, Kadas, Kasten, Rehbein, S. Rice, Simpkins, Wagner.

Total 14

Excused: None.

Total 0



Absent or not voting: None.

Total 0

**SB 357** concurred in as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Bergman, Boharski, Bohlinger, Brandewie, Brooke, Clark, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Foster, Galvin, Gervais, Grady, Grimes, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Molnar, L. Nelson, T. Nelson, Pavlovich, Peck, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 81

Noes: Benedict, Bergsagel, Bird, Brown, Cobb, DeBruycker, Feland, Fisher, Gilbert, Grinde, Hayne, Herron, Kasten, Orr, Peterson, Rehbein, Smith, Wagner.

Total 18

Excused: None.

Total 0

Absent or not voting: Mills.

Total 1

**SB 271** concurred in as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 94

Noes: Bergsagel, DeBruycker, Hansen, Rehbein, Sayles.

Total 5

Excused: None.

Total 0

Absent or not voting: Herron.

Total 1

**MOTIONS**

Representative Wagner moved the House reconsider its action on HB 692 taken on second reading this legislative day.

Representative Daily moved for previous question. Motion carried.

Thereupon, motion to reconsider action on HB 692 failed. (36-63)

Representative Grinde moved the Speaker be authorized to appoint a free conference committee to meet with a like committee from the Senate to confer on HB 2. Motion carried.

Mr. Speaker appointed the following members:

Representative Zook, Chairman  
Representative L. Nelson  
Representative Bergsagel

Representative Grinde moved the House dissolve the conference committee on HB 442 and the Speaker be authorized to appoint a free conference committee to meet with a like committee from the Senate to confer on HB 442. Motion carried.

Mr. Speaker appointed the following members:

Representative Knox, Chairman  
Representative Gilbert  
Representative Bird

Representative Grinde moved the House accede to the request of the Senate and return HB 65, HB 70, and HB 322 to the Senate for further consideration. Motion carried.

**ANNOUNCEMENTS**

Committee meetings were announced by committee chairmen.

Representative Grinde moved the House adjourn until 1:30 p.m., Thursday, April 15, 1993. Motion carried.

House adjourned at 5:40 p.m.

John Mercer, Speaker

Marilyn Miller, Chief Clerk



## EIGHTY-THIRD LEGISLATIVE DAY

Helena, Montana  
April 15, 1993

House Chambers  
State Capitol

House convened at 1:30 p.m. Mr. Speaker in the Chair. Invocation by Representative Toole. Pledge of Allegiance to the Flag.

Roll call. All members present except Bird, excused. Quorum present.

### THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 692** passed as follows:

Ayes: Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bird, Bohlinger, Brandewie, Brooke, Brown, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, Harper, Harrington, Hibbard, J. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 81

Noes: Anderson, Bergman, Bergsagel, Boharski, Clark, DeBruycker, Feland, M. Hanson, Hayne, Herron, R. Johnson, Mills, Molnar, Peterson, Rehbein, Smith, Spring, Vogel, Wagner.

Total 19

Voted Absentee: Bird, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 579**, Senate amendments, concurred in as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bird, Bohlinger, Brandewie, Brooke, Brown, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Larson, McCaffree, McCarthy, McCulloch, Menahan, Mills, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 88



Noes: Bergman, Bergsagel, Boharski, Clark, DeBruycker, Feland, Gilbert, Kasten, Knox, Mason, Rehbein.

Total 11

Voted Absentee: Bird, Aye.

Excused: None.

Total 0

Absent or not voting: Molnar.

Total 1

**HB 655**, Senate amendments, concurred in as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Foster, Gervais, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, L. Nelson, T. Nelson, Orr, Pavlovich, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 89

Noes: Bergsagel, Feland, Gilbert, Herron, Kasten, Peck, Spring, Wagner.

Total 8

Voted Absentee: Bird, Aye.

Excused: None.

Total 0

Absent or not voting: Fisher, Galvin, Molnar.

Total 3

**HB 660**, Senate amendments, concurred in as follows:

Ayes: Anderson, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Bohlinger, Brandewie, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 93

Noes: Bachini, Bergsagel, Boharski, Cobb, DeBruycker, Kasten, Peck.  
Total 7

Voted Absentee: Bird, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 7**, Senate amendments, concurred in as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Cobb, Cocchiarella, Daily, Davis, Dolezal, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 90

Noes: DeBruycker, Dowell, Driscoll, Feland, McCulloch, Peterson.  
Total 6

Voted Absentee: Bird, Aye.

Excused: None.  
Total 0

Absent or not voting: Benedict, Clark, Kadas, Squires.  
Total 4

**HB 167**, Senate amendments, concurred in as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Bohlinger, Brandewie, Brooke, Brown, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 94

Noes: Boharski, Clark, McCaffree, Sayles.

Total 4

Voted Absentee: Bird, Aye.

Excused: None.

Total 0

Absent or not voting: Grady, Mason.

Total 2

**HB 181**, Senate amendments, concurred in as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Quilici, Raney, Ream, Rehbein, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 91

Noes: Boharski, Cocchiarella, Feland, Gilbert, McCaffree, Peck, Peterson.

Total 7

Voted Absentee: Bird, Aye.

Excused: None.

Total 0

Absent or not voting: J. Rice, S. Rice.

Total 2

**HB 193**, Senate amendments, concurred in as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 97

Noes: Bergsagel, Kasten.  
Total 2

Voted Absentee: Bird, Aye.

Excused: None.  
Total 0

Absent or not voting: Ellis.  
Total 1

**HB 303**, Senate amendments, concurred in as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 91

Noes: Bergman, Bergsagel, DeBruycker, Hayne, Herron, Peck, Peterson, Rose, Spring.  
Total 9

Voted Absentee: Bird, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 330**, Senate amendments, concurred in as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Quilici, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Winslow, Wiseman, Wyatt, Zook.



Total 91

Noes: Bergsagel, Harper, McCulloch, Peck, Peterson, Raney, Whalen.  
Total 7

Voted Absentee: Bird, Aye.

Excused: None.  
Total 0

Absent or not voting: Squires, Mr. Speaker.  
Total 2

**HB 413**, Senate amendments, concurred in as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Bohlinger, Brandewie, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 95

Noes: Bergsagel, Boharski, Cobb, Driscoll, Kasten.  
Total 5

Voted Absentee: Bird, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 436**, Senate amendments, concurred in as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel,

Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 98

Noes: Bergsagel, Spring.  
Total 2

Voted Absentee: Bird, Aye.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 529**, Senate amendments, concurred in as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Foster, Galvin, Gervais, Grady, Hansen, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, T. Nelson, Pavlovich, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Vogel, Wagner, Wallin, Wanzenried, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 79

Noes: Benedict, Bergsagel, Cobb, DeBruycker, Feland, Fisher, Gilbert, Grimes, Grinde, H.S. Hanson, Kasten, Knox, L. Nelson, Orr, Peck, Rehbein, Spring, Whalen, Winslow.  
Total 19

Voted Absentee: Bird, Aye.

Excused: None.  
Total 0

Absent or not voting: Squires, Tuss.  
Total 2

**HB 642**, Senate amendments, concurred in as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnhart, Benedict, Bergman, Bird, Bohlinger, Brandewie, Brooke, Brown, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, Harper, Harrington, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Quilici, Raney, Ream, J. Rice, S. Rice, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Squires,

Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Wallin, Wanzenried, Whalen, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 78

Noes: Barnett, Bergsagel, Boharski, Clark, Cobb, Feland, Fisher, Foster, H.S. Hanson, M. Hanson, Hayne, Herron, Kasten, Peck, Peterson, Rehbein, Rose, Smith, Spring, Vogel, Wagner, Winslow.

Total 22

Voted Absentee: Bird, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 652**, Senate amendments, concurred in as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Grady, Grimes, Grinde, Hansen, H.S. Hanson, Harper, Harrington, Hibbard, J. Johnson, R. Johnson, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 88

Noes: Barnett, Bergsagel, Cobb, Feland, Gilbert, M. Hanson, Hayne, Herron, Kadas, Kasten, Peterson, Rehbein.

Total 12

Voted Absentee: Bird, Aye.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Grinde moved the House recess until 2:30 p.m. Motion carried.

House recessed at 1:45 p.m.

House reconvened at 2:39 p.m. Mr. Speaker in the Chair.

Representative Bird present at this time.

April 15, 1993

**REPORTS OF STANDING COMMITTEES**

BILLS (Hayne, Chairman):

4/15/93

Correctly printed for second reading: HJR 30, HJR 31.

Correctly engrossed for third reading: HB 692, SB 118, SB 271, SB 357,  
SB 379, SB 401, SB 424, SB 438, SJR 29.

Examined by the sponsor and found to be correct:

HB 12 - Bardanouve

HB 17 - S. Rice

HB 49 - Dolezal

HB 169 - Ewer

HB 216 - Grady

HB 318 - S. Rice

HB 367 - Wyatt

HB 419 - Grady

HB 608 - Bergsagel

Signed by the Speaker at 4:00 p.m., 4/14/93: SB 89, SB 288, SB 313,  
SB 316, SB 339, SB 370, SB 392, SB 395, SB 396, SB 406,  
SB 408, SB 412, SB 417, SB 429.Signed by the Speaker at 9:00 a.m., 4/15/93: SB 81, SB 91, SB 256,  
SB 258, SB 280, SB 292, SB 314, SB 323, SB 329, SB 332,  
SB 334, SB 348, SB 381.Delivered to the Governor for his approval at 10:05 a.m., 4/14/93: HB 27,  
HB 84, HB 139, HB 170, HB 201, HB 222, HB 255, HB 272,  
HB 281, HB 294, HB 317, HB 358, HB 410, HB 431, HB 443,  
HB 445, HB 472, HB 478, HB 496, HB 507, HB 510, HB 526,  
HB 549, HB 562, HB 565, HB 606, HB 609, HB 610, HB 637,  
HB 648.

STATE ADMINISTRATION (Simpkins, Chairman):

4/15/93

**SJR 30**, third reading copy, be amended as follows:

1. Page 1, line 10.

Strike: "standard"

Insert: "daylight"

And, as amended, be concurred in. Report adopted.

**ADVERSE COMMITTEE REPORT****SB 436** - Representative Gilbert moved the 4/14/93 adverse committee report on SB 436 be adopted.

Representative Schye made a substitute motion the adverse committee report be not adopted and SB 436 be tabled in the Committee on Taxation. Motion failed. (48-51)

Thereupon, the adverse committee report was adopted as follows:

Ayes: Anderson, Barnett, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Clark, Cobb, DeBruycker, Ellis, Fagg, Feland, Fisher, Foster, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Hayne, Herron, Hibbard, R. Johnson, Kasten, Keller, Knox, Mason, Mills,



Molnar, L. Nelson, T. Nelson, Orr, Peterson, Rehbein, J. Rice, Rose, Sayles, Schwinden, Simon, Simpkins, Smith, Spring, Stovall, Tash, Tunby, Vogel, Wagner, Wallin, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 58

Noes: Bachini, Bardanouve, Barnhart, Brooke, Brown, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Endy, Ewer, Galvin, Gervais, Harper, Harrington, J. Johnson, Kadas, Larson, McCaffree, McCarthy, McCulloch, Menahan, Pavlovich, Peck, Quilici, Raney, Ream, S. Rice, Russell, Ryan, Schye, Squires, Stanford, Strizich, Swanson, Toole, Tuss, Wanzenried, Whalen.  
Total 42

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

### REPORTS OF SELECT COMMITTEES

Conference Committee  
on House Bill 190  
Report No. 1, April 15, 1993

Mr. Speaker and Mr. President:

We, your Conference Committee on House Bill 190, met and considered House Bill 190 and recommend that the bill be amended as follows:

1. Title, line 15.

Strike: "AN"

2. Title, line 16.

Strike: "DATE"

Insert: "DATES"

3. Page 14, line 20.

Strike: "or"

4. Page 14, line 22.

Following: line 21

Insert: "(b) the national board of certified counselors; or"

Renumber: subsequent subsection

5. Page 15, line 8.

Following: "Applicability."

Insert: "(1)"

6. Page 15, line 9.

Strike: "SECTIONS"

Insert: "Section"

Following: "1(2)(b)"

Strike: "AND 10(2) AND (3)"

Following: "applies"

Strike: "APPLY"

Insert: "applies"

7. Page 15, line 11.

Following: line 10

Insert: "(2) [Section 10(2)] applies to persons licensed on or after July 1, 1996."

And that this Conference Committee report be adopted.

For the House:

For the Senate:

Simon, Chairman

Christiaens, Chairman

Tuss

Eck

Mason

Keating

Conference Committee

on House Bill 287

Report No. 1, April 15, 1993

Mr. Speaker and Mr. President:

We, your Conference Committee on House Bill 287, met and considered House Bill 287 and recommend that the bill (reference copy -- salmon) be amended as follows:

1. Title, page 2, line 16.

Following: "CODES;"

Insert: "PROVIDING FOR REVIEW AND MODIFICATION OF CLAIMS EXPENDITURES CODES;"

2. Page 37, line 11.

Following: line 10

Insert: "NEW SECTION. Section 20. Claims expenditures codes. The state fund shall continually review its claims expenditure coding structure to separately account for claims and administrative expenses. If a review demonstrates a compelling need for expenditure information that is not available, the state fund shall expand or modify its claims expenditure coding structure."

Renumber: subsequent sections

3. Page 37, line 14.

Strike: "SECTION"

Insert: "Sections"

Following: "AND 20"

Insert: "and 20"

Strike: "IS"

Insert: "are"

4. Page 37, line 17.

Strike: "SECTION"

Insert: "sections"

Following: "AND 20"

Insert: "and 20"

And, that this Conference Committee report be adopted.

For the House:

Benedict, Chairman  
Cocchiarella  
Wiseman

For the Senate:

Towe, Chairman  
Wilson  
Keating

Conference Committee  
on Senate Bill 72  
Report No. 1, April 15, 1993

Mr. President and Mr. Speaker:

We, your Conference Committee on Senate Bill 72, met and considered:

Amendments to Senate Bill 72

We recommend that Senate Bill 72 (reference copy - salmon) be amended as follows:

1. Title, lines 15 and 16.

Strike: "REQUIRING" on line 15 through "PROGRAM" on line 16

Insert: "PROVIDING A STATEMENT OF POLICY; SUSPENDING ACTION BY THE BOARD OF NATURAL RESOURCES AND CONSERVATION ON APPLICATIONS FOR WEATHER MODIFICATION ACTIVITY IF THE PRIMARY BENEFIT OF THE WEATHER MODIFICATION ACTIVITY IS OUTSIDE MONTANA; REQUIRING THE DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION TO SUBMIT TO THE LEGISLATIVE WATER POLICY COMMITTEE A REPORT ON ANY SUSPENDED APPLICATIONS"

2. Page 6, lines 4 through 14.

Strike: Sections 3 and 4 in their entirety

Insert: "NEW SECTION. Section 3. Statement of policy. The legislature, pursuant to its mandate and authority under Article IX of the Montana constitution, declares that it is the policy of the state that before further development of certain atmospheric water resources within Montana may occur, the 1995 session of the legislature must be provided with information concerning the expected environmental impacts of any anticipated weather modification activities.

NEW SECTION. Section 4. Suspension of action -- report to legislature. (1) Prior to April 30, 1995, the board may not grant an application for a proposed weather modification activity if the primary benefit of the weather modification activity is outside Montana.

(2) For any pending application or for any application filed after [the effective date of this act] for a permit to conduct weather modification activities suspended under subsection (1), the department of natural resources and conservation and the applicant shall, in consultation with the water policy committee, comply with the requirements of 85-3-202(1). The department shall submit the report and environmental impact statement to the water policy committee. The water policy committee shall consider the report and environmental impact statement and submit a final report to the legislature. The water policy committee need not file a weather modification report to the legislature if the department does not file a report and environmental impact statement with the water policy committee prior to October 1, 1994."

Renumber: subsequent sections

And that this Conference Committee report be adopted.

For the Senate:

For the House:

Weeding, Chairman  
Bruski-Maus  
Devlin

Gilbert, Chair  
Rehbein  
L. Nelson

Conference Committee  
on Senate Joint Resolution 17  
Report No. 1, April 14, 1993

Mr. President and Mr. Speaker:

We, your Conference Committee on Senate Joint Resolution 17, met and considered:

The house amendments to Senate Joint Resolution 17

We recommend that Senate Joint Resolution 17 (reference copy - salmon) be amended as follows:

1. Title, lines 20 and 21.

Strike: "REQUESTING" on line 20 through "QUALITY" on line 21

Insert: "URGING THE DEPARTMENT OF TRANSPORTATION TO REVIEW THE HIGHWAY LEADING MOST DIRECTLY"

2. Page 4, line 22 through page 5, line 8.

Following: "TO" on line 22

Strike: remainder of line 22 through "REPORT" on page 5, line 8

Insert: "review the highway leading most directly between Billings and Great Falls. This corridor is important to the economic well-being of the State of Montana and instrumental in economic development of international trade. The Department shall prepare a written report encompassing the condition of the highway and the improvements made and planned to be made. The report must include cost estimates, a tentative schedule, the types of



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improvements, and a means of financing the construction or reconstruction. This report must be made"

And that this Conference Committee report be adopted.

For the Senate:

Weeding, Chairman  
Swysgood  
Christiaens

For the House:

Keller, Chairman  
Wyatt  
Vogel

Free Conference Committee  
on Senate Bill 145  
Report No. 1, April 14, 1993

Mr. President and Mr. Speaker:

We, your Free Conference Committee on Senate Bill 145, met and considered:

Senate Bill 145 in its entirety

We recommend that Senate Bill 145 (reference copy - salmon) be amended as follows:

1. Title, line 10 through line 14.

Strike: "DIRECTING" on line 10 through "INJURY;" on line 14

2. Page 2, lines 20 and 21.

Strike: "revenue" on line 20 through "3-10-601(5)" on line 21

Insert: "donations or grants received for the purpose of providing services for persons suffering from traumatic brain injury"

3. Page 2, line 25 through page 3, line 22.

Strike: section 3 in its entirety

And that this Free Conference Committee report be adopted.

For the Senate:

Waterman, Chairman  
Stang  
Harding

For the House:

Clark, Chairman  
Winslow  
J. Johnson

Free Conference Committee  
on House Bill 301  
Report No. 1, April 14, 1993

Mr. Speaker and Mr. President:

We, your Free Conference Committee on House Bill 301, met and considered and recommend that House Bill 301 (reference copy -- salmon) be amended as follows:

1. Title, line 8.

Following: "ORDINANCE"

Insert: "RELATING TO LOCAL OR FEDERAL WASTEWATER  
PRETREATMENT STANDARDS"

2. Page 1, line 16.

Strike: "A"

Insert: "(1) Except as provided in subsection (2), a"

3. Page 1, line 18.

Strike: "\$1,000"

Insert: "\$500"

4. Page 1, line 25.

Following: line 24

Insert: "(2) A local government may fix penalties for the violation of an ordinance relating to local or federal wastewater pretreatment standards implementing the Federal Water Pollution Control Act, 33 U.S.C. 1251 through 1387, if the penalties do not exceed \$1,000 per day for each violation or 6 months' imprisonment, or both."

5. Page 2, line 3.

Strike: "THE"

Insert: "(1) Except as provided in subsection (2), the"

6. Page 2, line 5.

Strike: "\$1,000"

Insert: "\$500"

7. Page 2, line 13.

Following: line 12

Insert: "(2) A local government may fix penalties for the violation of an ordinance relating to local or federal wastewater pretreatment standards implementing the Federal Water Pollution Control Act, 33 U.S.C. 1251 through 1387, if the penalties do not exceed \$1,000 per day for each violation or 6 months' imprisonment, or both."

And that this Free Conference Committee report be adopted.

For the House:

For the Senate:

Sayles, Chairman

Weldon, Chairman

Wyatt

Vaughn

Bergman

Rye

Free Conference Committee  
on House Bill 469  
Report No. 1, April 14, 1993

Mr. Speaker and Mr. President:

We, your Free Conference Committee, met and considered House Bill 469 and recommend as follows:

1. Page 8, line 19.

Strike: "(6)"

Insert: "(5)"

2. Page 13, lines 21 and 22.

Strike: " " on line 21 through "INSTRUCTION" on line 22

Insert: ", who"

Renumber: subsequent subsections

3. Page 14, line 3.

Following: "SUBSECTION"

Strike: "(6)"

Insert: "(5)"

4. Page 15, line 12.

Following: "(5)"

Strike: "(10)"

Insert: "(9)"

5. Page 15, line 22.

Following: "SUBSECTION"

Strike: "(4)"

Insert: "(3)"

And that this Free Conference Committee report be adopted.

For the House:

For the Senate:

Spring, Chairman

Blaylock, Chairman

Cocchiarella

Stang

Boharski

Hertel

Free Conference Committee  
on House Bill 581

Report No. 1, April 15, 1993

Mr. Speaker and Mr. President:

We, your Free Conference Committee, met and considered House Bill 581 and recommend as follows:

1. Page 3, lines 11 through 14.

Following: "(2)" on line 11

Strike: "Except" through "2-15-122." on line 14

2. Page 3, line 14.

Following: "FORCE"

Insert: ", except legislators or public employees otherwise entitled to such reimbursement by their employing agency,"

3. Page 3, lines 17 and 18.

Strike: "is attached" on line 17 through "purposes" on line 18

Insert: "has the powers and duties of an interim subcommittee under Title 5, chapter 5, part 2, and may receive staff assistance from the legislative council"

4. Page 4, line 7.

Following: "(4)"

Insert: "prepare a"

Following: "report"

Insert: "of"

5. Page 4, line 8.

Strike: "to"

Insert: "for"

6. Page 4, line 9.

Strike: "December"

Insert: "October"

7. Page 4, line 11.

Strike: "December"

Insert: "October"

And that this Free Conference Committee report be adopted.

For the House:

For the Senate:

Barnett, Chairman

Christiaens, Chairman

Wagner

Bartlett

S. Rice

Tveit

### **FIRST READING AND COMMITMENT OF BILLS AND RESOLUTIONS**

The following Senate joint resolutions were introduced, read first time, and referred to committee:

**SJR 28**, introduced by Doherty, Grosfield, McClernan, referred to Committee on State Administration

**SJR 33**, introduced by Bartlett, Kennedy, Halligan, Gage, Harding, Fisher, Burnett, B. Brown, Yellowtail, Vaughn, Waterman, Stang, Ellis, R. Johnson, Keller, Wiseman, Ewer, Swanson, Van Valkenburg, Harper, referred to Committee on Local Government

### **SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)**

Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative S. Rice in the Chair.



Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HJR 30** - Representative Ream moved HJR 30 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnhart, Benedict, Bird, Boharski, Bohlinger, Brandewie, Brooke, Clark, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Galvin, Gervais, Gilbert, Grimes, Grinde, Hansen, H.S. Hanson, Harper, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Pavlovich, Peck, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Whalen, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 81

Noes: Barnett, Bergman, Bergsagel, Brown, DeBruycker, Feland, Foster, M. Hanson, Hayne, Herron, Orr, Peterson, Rehbein, Stovall, Winslow.  
Total 15

Excused: None.  
Total 0

Absent or not voting: Cobb, Grady, Harrington, Wanzenried.  
Total 4

**HJR 31** - Representative Gervais moved HJR 31, second reading copy, be amended as follows (amendment #1):

1. Page 2.

Following: line 3

Insert: "WHEREAS, there are numerous federally funded programs under the administrative control of both the State of Montana and the several tribes of the state; and"

2. Page 2.

Following: line 16

Insert: "(2) consider the potential merits if the state were to enable tribal administration of programs created for the benefit of Native American people by turning over to the various tribes the programs and the associated administrative fees that are presently administered by the State of Montana on behalf of the several reservations;"

Renumber: subsequent subsections

Amendment #1 passed as follows:

Ayes: Bachini, Barnett, Barnhart, Boharski, Brooke, Brown, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Galvin, Gervais, Grady, Hansen, Harper, Harrington, Herron, Kadas, Larson, McCaffree, McCarthy, McCulloch, Menahan, L. Nelson, T. Nelson,

Pavlovich, Peck, Quilici, Raney, Ream, S. Rice, Russell, Ryan, Schwinden, Schye, Smith, Squires, Stanford, Stovall, Strizich, Swanson, Toole, Tunby, Tuss, Wanzenried, Whalen, Wyatt, Mr. Speaker.  
Total 55

Noes: Anderson, Bardanouve, Benedict, Bergman, Bergsagel, Bird, Bohlinger, Clark, DeBruycker, Feland, Fisher, Foster, Gilbert, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Hibbard, J. Johnson, R. Johnson, Kasten, Keller, Knox, Mason, Mills, Molnar, Orr, Peterson, Rehbein, J. Rice, Rose, Sayles, Simon, Simpkins, Spring, Tash, Vogel, Wagner, Wallin, Winslow, Wiseman, Zook.  
Total 43

Excused: None.  
Total 0

Absent or not voting: Brandewie, Fagg.  
Total 2

Representative Wiseman moved HJR 31, as amended, do pass. Motion carried as follows:

Ayes: Anderson, Bardanouve, Benedict, Bergman, Boharski, Bohlinger, Brandewie, Brooke, Cobb, DeBruycker, Dowell, Ellis, Ewer, Fagg, Fisher, Foster, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Hayne, Herron, R. Johnson, Kadas, Kasten, Knox, Mason, McCaffree, Mills, Molnar, L. Nelson, T. Nelson, Orr, Peterson, Raney, Rehbein, J. Rice, Rose, Russell, Sayles, Simon, Simpkins, Smith, Spring, Stovall, Tash, Tunby, Wagner, Wallin, Wanzenried, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 59

Noes: Bachini, Barnett, Barnhart, Bergsagel, Bird, Brown, Clark, Cocchiarella, Daily, Davis, Dolezal, Driscoll, Elliott, Endy, Feland, Galvin, Gervais, Harrington, Hibbard, J. Johnson, Keller, Larson, McCarthy, McCulloch, Menahan, Pavlovich, Peck, Quilici, Ream, S. Rice, Ryan, Schwinden, Schye, Squires, Stanford, Strizich, Swanson, Toole, Tuss, Vogel, Whalen.  
Total 41

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 13** - Representative Benedict moved Senate amendments to HB 13 be not concurred in. Motion carried as follows:

Ayes: Anderson, Barnett, Benedict, Bergman, Bergsagel, Boharski, Bohlinger, Brandewie, Clark, Cobb, DeBruycker, Ellis, Fagg, Feland, Fisher, Foster, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Herron, Hibbard, R. Johnson, Kasten, Keller, Knox, Mason, Mills, Molnar, T.

Nelson, Orr, Peck, Peterson, Rehbein, J. Rice, S. Rice, Rose, Sayles, Simon, Simpkins, Smith, Spring, Stovall, Tash, Tunby, Vogel, Wagner, Wallin, Winslow, Wiseman, Zook, Mr. Speaker.

Total 54

Noes: Bachini, Bardanouve, Barnhart, Bird, Brooke, Brown, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Endy, Ewer, Galvin, Gervais, Gilbert, Hansen, Harper, Harrington, J. Johnson, Kadas, Larson, McCaffree, McCarthy, McCulloch, Menahan, L. Nelson, Pavlovich, Quilici, Raney, Ream, Russell, Ryan, Schwinden, Schye, Squires, Stanford, Strizich, Swanson, Toole, Tuss, Wanzenried, Whalen, Wyatt.

Total 46

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 219** - Representative Gilbert moved Senate amendments to HB 219 be not concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Swanson, Tash, Toole, Tunby, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Zook, Mr. Speaker.

Total 92

Noes: Cocchiarella, Hansen, McCulloch, Ream, Strizich, Tuss, Wyatt.

Total 7

Excused: None.

Total 0

Absent or not voting: Schwinden.

Total 1

**HB 350** - Representative Mason moved Senate amendments to HB 350 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Hansen, H.S. Hanson, M. Hanson, Harper,

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Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 98

Noes: McCaffree.

Total 1

Excused: None.

Total 0

Absent or not voting: Grinde.

Total 1

**HB 505** - Representative Cocchiarella moved Senate amendments to HB 505 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanoue, Barnhart, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Pavlovich, Peck, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 91

Noes: Barnett, Bergsagel, Clark, Herron, Orr, Peterson, Rehbein, Wagner.

Total 8

Excused: None.

Total 0

Absent or not voting: Benedict.

Total 1

**HB 516** - Representative DeBruycker moved Senate amendments to HB 516 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanoue, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller,



Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 96

Noes: Bergsagel, Dowell, Peck.

Total 3

Excused: None.

Total 0

Absent or not voting: Grimes.

Total 1

**HB 519** - Representative Barnhart moved Senate amendments to HB 519 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanoue, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Pavlovich, Peck, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 91

Noes: Bergsagel, Clark, Hayne, Herron, Kasten, Knox, Orr, Peterson, Rehbein.

Total 9

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 555** - Representative Pavlovich moved Senate amendments to HB 555 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanoue, Barnett, Barnhart, Benedict, Bergman, Bird, Bohlinger, Brandewie, Brooke, Brown, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grimes, Grinde, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson,

Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 94

Noes: Bergsagel, Boharski, Clark, Rehbein.

Total 4

Excused: None.

Total 0

Absent or not voting: Grady, Hansen.

Total 2

**HB 588** - Representative Tunby moved Senate amendments to HB 588 be concurred in. Motion carried as follows:

Ayes: Anderson, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 96

Noes: Bachini, Bergsagel, Peck.

Total 3

Excused: None.

Total 0

Absent or not voting: R. Johnson.

Total 1

**HB 593** - Representative Schye moved Senate amendments to HB 593 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills,

Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 97

Noes: Bergsagel, Rehbein.  
Total 2

Excused: None.  
Total 0

Absent or not voting: R. Johnson.  
Total 1

**HB 680** - Representative Elliott moved Senate amendments to HB 680 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Bergman, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, Kadas, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 89

Noes: Benedict, Bergsagel, Bird, DeBruycker, Kasten, Peterson, Rehbein, Simpkins, Smith, Wagner.  
Total 10

Excused: None.  
Total 0

Absent or not voting: R. Johnson.  
Total 1

**HB 687** - Representative Elliott moved Senate amendments to HB 687 be concurred in. Motion carried as follows:

Ayes: Anderson, Barnett, Barnhart, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, J. Johnson, Kadas, Keller, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Spring, Squires,

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Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 84

Noes: Bachini, Bardanouve, Benedict, Bergsagel, Davis, Grinde, Herron, Kasten, Knox, Peck, Peterson, Rehbein, Simpkins, Smith, Wagner.  
Total 15

Excused: None.  
Total 0

Absent or not voting: R. Johnson.  
Total 1

**HB 585** - Representative Cocchiarella moved Senate amendments to HB 585 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 96

Noes: Bergsagel, Orr, Rehbein.  
Total 3

Excused: None.  
Total 0

Absent or not voting: R. Johnson.  
Total 1

**HB 658** - Representative Schwinden moved Governor's amendments to HB 658 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford,



Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 95

Noes: Bergsagel, Cobb, Rehbein, Ryan.  
Total 4

Excused: None.  
Total 0

Absent or not voting: Vogel.  
Total 1

**HB 273** - Representative Dolezal moved the free conference committee report to HB 273 be adopted. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Mr. Speaker.  
Total 97

Noes: Bergsagel.  
Total 1

Excused: None.  
Total 0

Absent or not voting: Ellis, Zook.  
Total 2

**SB 11** - Representative Cocchiarella moved the conference committee report to SB 11 be adopted. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford,

Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 97

Noes: Bergsagel, Rehbein, Sayles.  
Total 3

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 11** - Representative R. Johnson moved Senate amendments to HB 11 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Clark, Davis, DeBruycker, Dolezal, Dowell, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Peck, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 89

Noes: Bergsagel, Brooke, Brown, Cobb, Cocchiarella, Daily, Driscoll, Pavlovich, Peterson, Ryan, Strizich.  
Total 11

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 92** - Representative Tunby moved Senate amendments to HB 92 be not concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brown, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson,

Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 95

Noes: Brooke, Clark, Harper, Rehbein.

Total 4

Excused: None.

Total 0

Absent or not voting: Driscoll.

Total 1

**HB 504** - Representative Benedict moved Senate amendments to HB 504 be not concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Driscoll, Elliott, Ellis, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Rehbein, J. Rice, S. Rice, Rose, Russell, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Zook, Mr. Speaker.

Total 93

Noes: Dowell, Endy, McCulloch, Ream, Ryan, Wyatt.

Total 6

Excused: None.

Total 0

Absent or not voting: Wiseman.

Total 1

**HB 622** - Representative Ewer moved Senate amendments to HB 622 be concurred in.

Representative Hibbard made a substitute motion Senate amendments to HB 622 be not concurred in. Motion carried as follows:

Ayes: Anderson, Bardanouve, Barnett, Benedict, Bergman, Bergsagel, Boharski, Bohlinger, Brandewie, Clark, Cobb, DeBruycker, Ellis, Fagg, Feland, Fisher, Foster, Gilbert, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Herron, Hibbard, R. Johnson, Kasten, Keller, Knox, Mason, Mills, Molnar, T. Nelson, Orr, Peterson, Quilici, Rehbein, J. Rice, Rose, Sayles, Simon, Simpkins, Smith, Spring, Stovall, Swanson, Tash, Tunby, Vogel, Wagner, Wallin, Winslow, Wiseman, Zook, Mr. Speaker.

Total 56

Noes: Bachini, Barnhart, Bird, Brooke, Brown, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Endy, Ewer, Galvin, Gervais, Hansen, Harper, Harrington, J. Johnson, Kadas, Larson, McCaffree, McCarthy, McCulloch, Menahan, L. Nelson, Pavlovich, Peck, Raney, Ream, S. Rice, Russell, Ryan, Schwinden, Schye, Squires, Stanford, Strizich, Toole, Tuss, Wanzenried, Whalen, Wyatt.

Total 44

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 643** - Representative Gilbert moved Senate amendments to HB 643 be not concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Zook, Mr. Speaker.

Total 95

Noes: Cocchiarella, Kadas, Ream, Strizich, Wyatt.

Total 5

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 645** - Representative Schye moved Senate amendments to HB 645 be not concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Bohlinger, Brandewie, Brooke, Clark, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, Kadas, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson,



Tash, Toole, Tunby, Tuss, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Zook, Mr. Speaker.  
Total 92

Noes: Boharski, Brown, Cobb, R. Johnson, Kasten, Sayles, Vogel, Wyatt.  
Total 8

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

Representative Grinde moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman S. Rice moved the adoption of the committee report. Report adopted. (84-13)

### MOTIONS

Representative Gervais requested his name as cosponsor to SB 401 be removed. Motion carried.

Representative Whalen moved the rules be suspended to permit the late drafting and introduction of a bill. Motion carried.

Representative McCarthy moved the rules be suspended to reconsider action on Senate amendments to HB 323. Motion carried.

Representative Barnett moved he be allowed to change his vote on Senate amendments to HB 652, third reading, from no to aye. Motion carried.

Representative Grinde moved the Speaker be authorized to appoint a conference committee to meet with a like committee from the Senate to confer on Senate amendments to HB 92. Motion carried.

Mr. Speaker appointed the following members:

Representative Tunby, Chairman  
Representative Gervais  
Representative Foster

Representative Grinde moved the Speaker be authorized to appoint a conference committee to meet with a like committee from the Senate to confer on Senate amendments to HB 176. Motion carried.

Mr. Speaker appointed the following members:

Representative Grinde, Chairman  
Representative S. Rice  
Representative Peterson

Representative Grinde moved the Speaker be authorized to appoint a conference committee to meet with a like committee from the Senate to confer on Senate amendments to HB 335. Motion carried.

Mr. Speaker appointed the following members:

Representative Smith, Chairman  
Representative Bohlinger  
Representative Toole

Representative Grinde moved the Speaker be authorized to appoint a conference committee to meet with a like committee from the Senate to confer on Senate amendments to HB 453. Motion carried.

Mr. Speaker appointed the following members:

Representative Hibbard, Chairman  
Representative Winslow  
Representative Squires

Representative Grinde moved the Speaker be authorized to appoint a conference committee to meet with a like committee from the Senate to confer on Senate amendments to HB 495. Motion carried.

Mr. Speaker appointed the following members:

Representative Vogel, Chairman  
Representative Wagner  
Representative Elliott

Representative Grinde moved the Speaker be authorized to appoint a conference committee to meet with a like committee from the Senate to confer on Senate amendments to HB 504. Motion carried.

Mr. Speaker appointed the following members:

Representative Benedict, Chairman  
Representative Hibbard  
Representative Cocchiarella

Representative Grinde moved the Speaker be authorized to appoint a conference committee to meet with a like committee from the Senate to confer on Senate amendments to HB 645. Motion carried.

Mr. Speaker appointed the following members:

Representative T. Nelson, Chairman  
Representative Grimes  
Representative Schye

Representative Grinde moved the Speaker be authorized to appoint a free conference committee to meet with a like committee from the Senate to confer on HB 4. Motion carried.

Mr. Speaker appointed the following members:

Representative Peterson, Chairman  
Representative R. Johnson  
Representative Quilici

Representative Grinde moved the Speaker be authorized to appoint a free conference committee to meet with a like committee from the Senate to confer on HB 6. Motion carried.

Mr. Speaker appointed the following members:

Representative Grady, Chairman  
Representative DeBruycker  
Representative Bardanouve

Representative Grinde moved the Speaker be authorized to appoint a free conference committee to meet with a like committee from the Senate to confer on HB 13. Motion carried.

Mr. Speaker appointed the following members:

Representative Benedict, Chairman  
Representative Hibbard  
Representative Peck

Representative Grinde moved the House dissolve the conference committee on HB 121 and the Speaker be authorized to appoint a free conference committee to meet with a like committee from the Senate to confer on HB 121. Motion carried.

Mr. Speaker appointed the following members:

Representative Fagg, Chairman  
Representative Tash  
Representative Harper

Representative Grinde moved the House dissolve the conference committee on HB 335 and the Speaker be authorized to appoint a free conference committee to meet with a like committee from the Senate to confer on HB 335. Motion carried.

Mr. Speaker appointed the following members:

Representative Smith, Chairman  
Representative Bohlinger  
Representative Toole

Representative Grinde moved the Speaker be authorized to appoint a free conference committee to meet with a like committee from the Senate to confer on HB 622. Motion carried.

Mr. Speaker appointed the following members:

Representative Hibbard, Chairman  
Representative Ewer  
Representative Benedict

Representative Bardanouve requested his name be removed as member of the free conference committee to HB 6 and Representative Bachini's name be in his place. Motion carried.

### **ANNOUNCEMENTS**

Committee meetings were announced by committee chairmen.

Representative Grinde moved the House adjourn until 9:00 a.m., Friday, April 16, 1993. Motion carried.

House adjourned at 4:48 p.m.

John Mercer, Speaker

Marilyn Miller, Chief Clerk





## **EIGHTY-FOURTH LEGISLATIVE DAY**

Helena, Montana  
April 16, 1993

House Chambers  
State Capitol

House convened at 9:00 a.m. Mr. Speaker in the Chair. Invocation by Representative Spring. Pledge of Allegiance to the Flag.

Roll call. All members present except Cobb, excused. Quorum present.

Mr. Speaker: We, your committee on Legislative Administration/Bills and Journal, having examined the daily journal for the eightieth legislative day, find the same to be correct.

Harriet Hayne, Chairman

### **MOTIONS**

Representative Grinde moved the Speaker be authorized to appoint a conference committee to meet with a like committee from the Senate to confer on Senate amendments to HB 219. Motion carried.

Mr. Speaker appointed the following members:

Representative Gilbert, Chairman  
Representative Feland  
Representative S. Rice

Representative Grinde moved the House dissolve the conference committee on HB 442 and the Speaker be authorized to appoint a free conference committee to meet with a like committee from the Senate to confer on HB 442. Motion carried.

Mr. Speaker appointed the following members:

Representative Knox, Chairman  
Representative Gilbert  
Representative Bird

Representative Grinde moved the Speaker be authorized to appoint a conference committee to meet with a like committee from the Senate to confer on Senate amendments to HB 643. Motion carried.

Mr. Speaker appointed the following members:

Representative Foster, Chairman  
Representative Gilbert  
Representative Swanson

### **THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 350**, Senate amendments, concurred in as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 95

Noes: Bergsagel, McCaffree, Peck, Schwinden.

Total 4

Excused: Cobb.

Total 1

Absent or not voting: None.

Total 0

**HB 505**, Senate amendments, concurred in as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnhart, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Molnar, L. Nelson, Pavlovich, Peck, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 83

Noes: Barnett, Benedict, Bergman, Bergsagel, Clark, DeBruycker, Herron, Kasten, Mills, T. Nelson, Orr, Peterson, Rehbein, Wagner.

Total 14

Excused: Cobb.

Total 1

Absent or not voting: Hansen, Squires.

Total 2

**HB 516**, Senate amendments, concurred in as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Bohlinger, Brandewie, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grinde,

Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 94

Noes: Bergsagel, Boharski, Kasten, Peck.  
Total 4

Excused: Cobb.  
Total 1

Absent or not voting: Grimes.  
Total 1

**HB 519**, Senate amendments, concurred in as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Pavlovich, Peck, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 89

Noes: Bergman, Bergsagel, Clark, Fisher, Hayne, Kasten, Orr, Peterson, Rehbein, Wagner.  
Total 10

Excused: Cobb.  
Total 1

Absent or not voting: None.  
Total 0

**HB 555**, Senate amendments, concurred in as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Bohlinger, Brandewie, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar,



L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 96

Noes: Bergsagel, Boharski, Rehbein.

Total 3

Excused: Cobb.

Total 1

Absent or not voting: None.

Total 0

**HB 588**, Senate amendments, concurred in as follows:

Ayes: Anderson, Bardanouve, Barnett, Barnhart, Bergman, Bird, Bohlinger, Brandewie, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Grady, Grimes, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, L. Nelson, Orr, Pavlovich, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 84

Noes: Bachini, Benedict, Bergsagel, Boharski, Cobb, DeBruycker, Gilbert, Grinde, Kasten, Molnar, T. Nelson, Peck, Rehbein, Simpkins, Smith, Wagner.

Total 16

Voted Absentee: Cobb, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 593**, Senate amendments, concurred in as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bird, Bohlinger, Brandewie, Brooke, Brown, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T.

Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 94

Noes: Bergman, Bergsagel, Boharski, Hayne.

Total 4

Excused: Cobb.

Total 1

Absent or not voting: Clark.

Total 1

**HB 680**, Senate amendments, concurred in as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Quilici, Raney, Ream, J. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 90

Noes: Bergsagel, Cobb, DeBruycker, Herron, Kasten, Peterson, Rehbein, Smith.

Total 8

Voted Absentee: Cobb, No.

Excused: None.

Total 0

Absent or not voting: Ellis, S. Rice.

Total 2

**HB 687**, Senate amendments, concurred in as follows:

Ayes: Anderson, Barnett, Barnhart, Benedict, Bohlinger, Brandewie, Brooke, Brown, Cocchiarella, Daily, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Foster, Galvin, Gervais, Grady, Grimes, Hansen, H.S. Hanson, Harper, Harrington, Hibbard, J. Johnson, R. Johnson, Keller, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Quilici, Raney, Ream, J. Rice, S. Rice, Sayles, Schwinden, Schye, Simon, Spring, Squires, Stanford, Stovall,

Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wallin, Wanzenried, Whalen, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 69

Noes: Bachini, Bardanouve, Bergman, Bergsagel, Bird, Boharski, Clark, Cobb, Davis, DeBruycker, Feland, Fisher, Gilbert, Grinde, M. Hanson, Hayne, Herron, Kadas, Kasten, Knox, Mills, Peck, Peterson, Rehbein, Rose, Ryan, Simpkins, Smith, Wagner, Winslow.  
Total 30

Voted Absentee: Cobb, No.

Excused: None.  
Total 0

Absent or not voting: Russell.  
Total 1

**HB 585**, Senate amendments, concurred in as follows:

Ayes: Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Pavlovich, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 87

Noes: Anderson, Bergman, Bergsagel, Clark, Fisher, Grinde, Hayne, Kasten, Orr, Peck, Peterson, Rehbein.  
Total 12

Excused: Cobb.  
Total 1

Absent or not voting: None.  
Total 0

**HB 658**, Governor's amendments, concurred in as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Bohlinger, Brandewie, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici,

Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 97

Noes: Boharski, Cobb, Herron.  
Total 3

Voted Absentee: Cobb, No.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 273**, free conference committee report, adopted as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 97

Noes: Bergsagel, Wanzenried.  
Total 2

Excused: Cobb.  
Total 1

Absent or not voting: None.  
Total 0

**SB 11**, conference committee report, adopted as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bohlinger, Brandewie, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Elliott, Ellis, Endy, Ewer, Feland, Foster, Galvin, Gervais, Gilbert, Grady, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Larson, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, T. Nelson, Orr, Pavlovich, Peck, Quilici, Raney, Ream, J. Rice, S. Rice, Russell, Ryan, Schwinden, Schye, Simon, Simpkins,



Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Wagner, Wallin, Wanzenried, Whalen, Winslow, Zook, Mr. Speaker.  
Total 80

Noes: Bergsagel, Bird, Boharski, Cobb, Driscoll, Fagg, Fisher, Kasten, Mason, L. Nelson, Peterson, Rehbein, Rose, Sayles, Smith, Spring, Vogel, Wiseman, Wyatt.  
Total 19

Voted Absentee: Cobb, No.

Excused: None.  
Total 0

Absent or not voting: Grimes.  
Total 1

**HB 11**, Senate amendments, concurred in as follows:

Ayes: Anderson, Bachini, Bardanoue, Barnett, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Cocchiarella, Daily, Davis, Dolezal, Dowell, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, T. Nelson, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 81

Noes: Barnhart, Bergsagel, Brown, Clark, Cobb, DeBruycker, Driscoll, Feland, Gilbert, Grady, Hayne, Herron, Kasten, Molnar, L. Nelson, Peterson, Ryan, Wagner.  
Total 18

Voted Absentee: Cobb, No.

Excused: None.  
Total 0

Absent or not voting: Strizich.  
Total 1

Representative Grinde moved the House recess until 2:00 p.m. Motion carried.

House recessed at 9:15 a.m.

House reconvened at 2:05 p.m. Mr. Speaker in the Chair.

Representative Cobb present at this time.

**REPORTS OF STANDING COMMITTEES**

BILLS (Hayne, Chairman): 4/16/93

Correctly engrossed for third reading: HJR 30, HJR 31.

Correctly enrolled: HB 12, HB 17, HB 49, HB 169, HB 216, HB 233,  
HB 308, HB 318, HB 367, HB 374, HB 375, HB 382, HB 419,  
HB 422, HB 511, HB 532, HB 537, HB 567, HB 608, HB 654,  
HB 663.

Examined by the sponsor and found to be correct:

HB 233 - Benedict  
HB 308 - Kasten  
HB 374 - Ewer  
HB 375 - Brandewie  
HB 382 - Foster  
HB 422 - Larson  
HB 511 - Hibbard  
HB 532 - Tunby  
HB 537 - Bardanouve  
HB 567 - Foster  
HB 654 - DeBruycker  
HB 663 - Harper  
HJR 14 - Wagner  
HJR 15 - Bardanouve

Delivered to the Governor for his approval at 9:10 a.m., 4/16/93: HB 23,  
HB 67, HB 124, HB 128, HB 134, HB 149, HB 151, HB 168,  
HB 174, HB 221, HB 235, HB 236, HB 245, HB 258, HB 299,  
HB 339, HB 365, HB 393, HB 409, HB 411, HB 429, HB 433,  
HB 485, HB 530, HB 545, HB 564, HB 613, HB 617, HB 619,  
HB 641.

STATE ADMINISTRATION (Simpkins, Chairman): 4/16/93

**SJR 28**, third reading copy, be concurred in. Report adopted.

**REPORTS OF SELECT COMMITTEES**

Conference Committee  
on House Bill 142  
Report No. 1, April 15, 1993

Mr. Speaker and Mr. President:

We, your Conference Committee on House Bill 142, met and considered the bill and recommend that House Bill 142 (reference copy -- salmon) be amended as follows:

1. Title, line 5.
- Page 17, lines 19 and 21.
- Page 19, lines 12 and 16.
- Page 22, lines 4, 5, 9, and 15.
- Page 23, lines 22 and 23.
- Page 24, lines 2, 21, and 22.
- Page 25, lines 1, 16, and 21.
- Page 26, lines 16 and 21.

Page 28, lines 7 and 12.  
Page 29, lines 18 and 23.  
Page 30, lines 11 and 17.  
Strike: "\$750"  
Insert: "\$600"

And that this Conference Committee report be adopted.

For the House:

For the Senate:

Fagg, Chairman  
Anderson

Yellowtail, Chairman  
Halligan  
Brown

Conference Committee  
on House Bill 548  
Report No. 1, April 16, 1993

Mr. Speaker and Mr. President:

We, your Conference Committee on House Bill 548, met and considered House Bill 548 and recommend that the bill (reference copy -- salmon) be amended as follows:

1. Page 8, line 25.  
Strike: "OR"

2. Page 9, line 5.  
Following: "OFFICIAL"  
Insert: "; or

(d) by nonstudent adults in any area designated as a smoking area by the school administrator or by the board of trustees of the school district"

3. Page 9, line 18.  
Strike: "STADIUMS."

4. Page 9, line 25.  
Strike: "9"  
Insert: "8"

5. Page 9, line 1.  
Strike: "9"  
Insert: "8"

And, that this Conference Committee report be adopted.

For the House:

For the Senate:

Bohlinger, Chairman  
Strizich  
Wagner

Klampe, Chairman  
Pipinich  
Rye

**MESSAGES FROM THE SENATE**

House bills concurred in and returned to the House: 4/15/93

**HB 483**, introduced by Toole  
**HB 666**, introduced by Wanzenried  
**HB 690**, introduced by Wiseman  
**HB 691**, introduced by Cobb  
**HJR 18**, introduced by S. Rice  
**HJR 19**, introduced by Boharski  
**HJR 25**, introduced by Fisher  
**HJR 26**, introduced by Bachini

House bills concurred in as amended and returned to the House for  
concurrence in Senate amendments: 4/15/93

**HB 3**, introduced by Cobb  
**HB 46**, introduced by J. Johnson  
**HB 65**, introduced by Cocchiarella  
**HB 70**, introduced by S. Rice  
**HB 145**, introduced by Cobb  
**HB 198**, introduced by Peterson  
**HB 322**, introduced by Feland  
**HB 323**, introduced by McCarthy  
**HB 427**, introduced by Cobb  
**HB 437**, introduced by Harrington  
**HB 517**, introduced by Harper  
**HB 522**, introduced by Squires  
**HB 572**, introduced by Galvin  
**HB 591**, introduced by Wallin  
**HB 616**, introduced by Driscoll  
**HB 651**, introduced by Wanzenried  
**HB 667**, introduced by Fagg  
**HB 673**, introduced by Menahan  
**HB 679**, introduced by Clark  
**HB 685**, introduced by Grady  
**HB 688**, introduced by Grinde  
**HB 689**, introduced by Fisher

Senate Joint Resolution passed and transmitted to the House for  
concurrence: 4/15/93

**SJR 31**, introduced by Halligan

Governor's amendments concurred in: 4/15/93

**SB 121**, introduced by Franklin

**HB 5**, introduced by Bergsagel, requiring adoption by an affirmative roll call vote of two-thirds of all the members of the Legislature, passed the Senate and was transmitted on 4/15/93 to the House for concurrence in Senate amendments with the following vote: (38-11).



**FIRST READING AND COMMITMENT  
OF BILLS AND RESOLUTIONS**

The following Senate Joint Resolution was introduced, read first time, and referred to committee:

**SJR 31**, introduced by Halligan, Rye, Yellowtail, B. Brown, Harp, Doherty, Blaylock, Franklin, Grosfield, Towe, Bartlett, referred to Committee on Business and Economic Development

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Bohlinger in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 301** - Representative Sayles moved the free conference committee report to HB 301 be adopted. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanoue, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 93

Noes: Bergsagel, Cobb, Peterson, Rehbein.

Total 4

Excused: None.

Total 0

Absent or not voting: Clark, Grinde, Tash.

Total 3

**HB 469** - Representative Cocchiarella moved the free conference committee report to HB 469 be adopted. Motion carried as follows:

Ayes: Anderson, Bardanoue, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Driscoll, Elliott, Ellis, Endy, Ewer, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S.

Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCarthy, McCulloch, Menahan, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 89

Noes: Bachini, Bergsagel, Dowell, Fagg, McCaffree, Peck, Peterson, Smith.  
Total 8

Excused: None.  
Total 0

Absent or not voting: Clark, Feland, Mills.  
Total 3

**SB 72** - Representative Gilbert moved the conference committee report to SB 72 be adopted. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, J. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 93

Noes: Bergman, Bergsagel, Dowell, Fisher, Peterson.  
Total 5

Excused: None.  
Total 0

Absent or not voting: J. Johnson, S. Rice.  
Total 2

**SB 145** - Representative S. Rice moved the free conference committee report to SB 145 be adopted. Motion carried as follows:

Ayes: Anderson, Bardanouve, Barnett, Barnhart, Benedict, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hibbard, J.

Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 91

Noes: Bachini, Bergman, Bergsagel, Dowell, Hayne, Herron, Peck, Peterson, Rehbein.

Total 9

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SJR 17** - Representative Keller moved the conference committee report to SJR 17 be adopted. Motion carried as follows:

Ayes: Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 93

Noes: Bachini, Bergsagel, Dowell, Herron, Peck, Peterson.

Total 6

Excused: None.

Total 0

Absent or not voting: Anderson.

Total 1

**HB 3** - Representative Cobb moved consideration of Senate amendments to HB 3 be placed below Senate amendments to HB 145 on the second reading board. Motion carried.

**HB 5** - Representative Bergsagel moved Senate amendments to HB 5 be not concurred in. Motion carried as follows:

Ayes: Anderson, Bardanouve, Barnett, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Clark, Cobb, DeBruycker, Elliott, Ellis, Fagg, Feland, Fisher, Foster, Gilbert, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Harper, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Keller, Knox, Mason, Mills, Molnar, L. Nelson, T. Nelson, Orr, Peterson, Rehbein, J. Rice, S. Rice, Rose, Sayles, Simon, Simpkins, Smith, Spring, Stovall, Tash, Tunby, Vogel, Wagner, Wiseman, Zook, Mr. Speaker.

Total 57

Noes: Bachini, Barnhart, Brooke, Brown, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Endy, Ewer, Galvin, Gervais, Hansen, Harrington, Kadas, Kasten, Larson, McCaffree, McCarthy, McCulloch, Menahan, Pavlovich, Peck, Quilici, Raney, Ream, Russell, Ryan, Schwinden, Schye, Squires, Stanford, Strizich, Swanson, Toole, Tuss, Wallin, Wanzenried, Whalen, Winslow, Wyatt.

Total 43

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 46** - Representative J. Johnson moved consideration of HB 46 be passed for the day. Motion carried.

**HB 65** - Representative Cocchiarella moved Senate amendments to HB 65 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 96

Noes: Bergsagel, Dowell.

Total 2

Excused: None.

Total 0

Absent or not voting: Grinde, Wallin.

Total 2



**HB 70** - Representative S. Rice moved Senate amendments to HB 70 be not concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 95

Noes: Bergsagel, Boharski, Dowell, Orr, Winslow.

Total 5

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 145** - Representative Cobb moved Senate amendments to HB 145 be concurred in. Motion carried as follows:

Ayes: Bardanouve, Barnhart, Bird, Bohlinger, Brandewie, Brooke, Brown, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Elliott, Endy, Ewer, Fagg, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, L. Nelson, T. Nelson, Orr, Pavlovich, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Wallin, Wanzenried, Whalen, Winslow, Wyatt, Zook, Mr. Speaker.

Total 75

Noes: Anderson, Bachini, Barnett, Benedict, Bergman, Bergsagel, Boharski, DeBruycker, Driscoll, Ellis, Feland, Fisher, Grinde, Hayne, Herron, Kasten, Molnar, Peck, Peterson, Rehbein, Simon, Vogel, Wagner, Wiseman.

Total 24

Excused: None.

Total 0

Absent or not voting: Clark.

Total 1

**HB 3** - Representative Cobb moved Senate amendments to HB 3 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Bohlinger, Brandewie, Brooke, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Larson, Mason, McCaffree, McCarthy, Menahan, Mills, Molnar, T. Nelson, Orr, Pavlovich, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Wagner, Wallin, Whalen, Winslow, Wiseman, Zook, Mr. Speaker.

Total 85

Noes: Bergsagel, Boharski, Brown, DeBruycker, Driscoll, Kasten, McCulloch, L. Nelson, Peck, Rehbein, Ryan, Vogel, Wanzenried, Wyatt.

Total 14

Excused: None.

Total 0

Absent or not voting: Grinde.

Total 1

**HB 198** - Representative Peterson moved Senate amendments to HB 198 be not concurred in.

Representative Driscoll made a substitute motion HB 198 be concurred in. Motion failed as follows:

Ayes: Bachini, Bardanouve, Barnhart, Brooke, Brown, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Endy, Ewer, Galvin, Gervais, Grady, Hansen, Harper, Harrington, Hibbard, J. Johnson, Kadas, Larson, McCaffree, McCarthy, McCulloch, Menahan, Pavlovich, Quilici, Raney, Ream, J. Rice, S. Rice, Russell, Ryan, Sayles, Schwinden, Schye, Squires, Stanford, Strizich, Swanson, Toole, Tuss, Wanzenried, Whalen, Wyatt.

Total 47

Noes: Anderson, Barnett, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Clark, Cobb, DeBruycker, Elliott, Ellis, Fagg, Feland, Fisher, Foster, Gilbert, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Herron, R. Johnson, Kasten, Keller, Knox, Mason, Mills, Molnar, L. Nelson, T. Nelson, Orr, Peck, Peterson, Rehbein, Rose, Simon, Simpkins, Smith, Spring, Stovall, Tash, Tunby, Vogel, Wagner, Wallin, Winslow, Wiseman, Zook, Mr. Speaker.

Total 53

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Thereupon, motion to not concur in Senate amendments to HB 198 carried.

Representative Grinde moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman Bohlinger moved the adoption of the committee report. Report adopted. (56-40)

### MOTIONS

Representative Grinde moved the House recess until 3:45 p.m. Motion carried.

House recessed at 3:11 p.m.

House reconvened at 3:53 p.m. Mr. Speaker in the Chair.

Representative Grinde moved the House suspend the rules to reconsider its action on SB 235 and SB 289. Motion failed. (54-45) [Requires two-thirds vote.]

### SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Bohlinger in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 322** - Representative Feland moved Senate amendments to HB 322 be not concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Barnett, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brown, Clark, Cobb, Daily, DeBruycker, Dolezal, Driscoll, Elliott, Ellis, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, H.S. Hanson, M. Hanson, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kasten, Keller, Knox, Larson, Mason, McCarthy, McCulloch, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Rehbein, J. Rice, Rose, Sayles, Schye, Simon, Simpkins, Smith, Spring, Stovall, Tash, Toole, Tunby, Vogel, Wagner, Wallin, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 74

Noes: Bardanouve, Barnhart, Brooke, Cocchiarella, Davis, Dowell, Endy, Ewer, Harper, Kadas, McCaffree, Menahan, Ream, S. Rice, Russell, Ryan, Schwinden, Squires, Stanford, Strizich, Swanson, Tuss, Wanzenried.  
Total 23

Excused: None.  
Total 0

Absent or not voting: Brandewie, Grinde, Hansen.  
Total 3

**HB 323** - Representative McCarthy moved Senate amendments to HB 323 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 96

Noes: Bergsagel, Rehbein.

Total 2

Excused: None.

Total 0

Absent or not voting: Boharski, Grinde.

Total 2

**HB 427** - Representative Cobb moved consideration of Senate amendments to HB 427 be passed for the day. Motion carried.

**HB 437** - Representative Harrington moved Senate amendments to HB 437 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 95

Noes: Bergsagel, Rehbein.

Total 2

Excused: None.

Total 0

Absent or not voting: Boharski, Grinde, Molnar.



Total 3

**HB 517** - Representative Harper moved Senate amendments to HB 517 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Galvin, Gervais, Grady, Grimes, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hibbard, J. Johnson, Kadas, Kasten, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Quilici, Raney, Ream, J. Rice, S. Rice, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 83

Noes: Bergsagel, DeBruycker, Feland, Fisher, Foster, Gilbert, Grinde, Hayne, Herron, R. Johnson, Keller, Peck, Peterson, Rehbein, Spring.

Total 15

Excused: None.

Total 0

Absent or not voting: Boharski, Rose.

Total 2

**HB 522** - Representative Squires moved Senate amendments to HB 522 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Bergman, Bird, Bohlinger, Brandewie, Brooke, Brown, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hibbard, J. Johnson, Kadas, Larson, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wallin, Wanzenried, Whalen, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 82

Noes: Benedict, Bergsagel, Clark, DeBruycker, Gilbert, Hayne, Herron, R. Johnson, Kasten, Keller, Knox, Mason, Peterson, Rehbein, Spring, Wagner, Winslow.

Total 17

Excused: None.

Total 0

Absent or not voting: Boharski.

Total 1

**HB 572** - Representative Galvin moved Senate amendments to HB 572 be concurred in. Motion carried as follows:

Ayes: Anderson, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Bohlinger, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 93

Noes: Bachini, Bergsagel, Brandewie, Kasten, Peck, Rehbein.

Total 6

Excused: None.

Total 0

Absent or not voting: Boharski.

Total 1

**HB 591** - Representative Wallin moved Senate amendments to HB 591 be concurred in. Motion failed as follows:

Ayes: Anderson, Bardanouve, Barnett, Barnhart, Bergman, Bohlinger, Brown, Clark, Daily, Fagg, Feland, Foster, Galvin, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, J. Johnson, R. Johnson, Kadas, Keller, Knox, Larson, Mason, Mills, Pavlovich, J. Rice, S. Rice, Sayles, Simon, Simpkins, Spring, Swanson, Tash, Tunby, Vogel, Wallin, Wanzenried, Wiseman, Zook, Mr. Speaker.

Total 43

Noes: Bachini, Benedict, Bergsagel, Bird, Boharski, Brandewie, Brooke, Cocchiarella, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fisher, Gervais, Gilbert, Harper, Harrington, Hayne, Herron, Hibbard, Kasten, McCaffree, McCarthy, McCulloch, Menahan, Molnar, L. Nelson, T. Nelson, Orr, Peck, Peterson, Quilici, Raney, Ream, Rehbein, Rose, Russell, Ryan, Schwinden, Smith, Squires, Stanford, Stovall, Strizich, Toole, Tuss, Wagner, Whalen, Winslow, Wyatt.

Total 55

Excused: None.

Total 0

Absent or not voting: Cobb, Schye.

Total 2

**HB 616** - Representative Driscoll moved Senate amendments to HB 616 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Barnett, Barnhart, Benedict, Bergman, Bird, Bohlinger, Brandewie, Brooke, Brown, Cobb, Cocchiarella, Daily, Dolezal, Dowell, Driscoll, Ellis, Endy, Fagg, Feland, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hibbard, J. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Quilici, Raney, Ream, J. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 84

Noes: Bardanouve, Bergsagel, Boharski, Clark, Davis, DeBruycker, Elliott, Ewer, Fisher, Hayne, Herron, R. Johnson, Peck, Peterson, Rehbein.

Total 15

Excused: None.

Total 0

Absent or not voting: S. Rice.

Total 1

**HB 651** - Representative Peck moved consideration of Senate amendments to HB 651 be placed below SJR 30 on the second reading board. Motion carried.

**HB 673** - Representative Menahan moved Senate amendments to HB 673 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 98

Noes: Bergsagel, Molnar.

Total 2

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 689** - Representative Grady moved consideration of Senate amendments to HB 689 be passed for the day. Motion carried.

**HB 679** - Representative Clark moved Senate amendments to HB 679 be concurred in. Motion carried as follows:

Ayes: Anderson, Bardanouve, Barnett, Barnhart, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 94

Noes: Bachini, Bergsagel, Keller, Rehbein, Winslow.

Total 5

Excused: None.

Total 0

Absent or not voting: Benedict.

Total 1

**HB 688** - Representative Grinde moved consideration of Senate amendments to HB 688 be placed below Senate amendments to HB 651 on the second reading board. Motion carried.

**HB 689** - Representative Fisher moved Senate amendments to HB 689 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, DeBruycker, Dolezal, Driscoll, Elliott, Ellis, Endy, Fagg, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harrington, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Knox, Mason, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Peterson, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Tunby, Tuss, Vogel, Wagner, Wallin, Whalen, Wyatt, Zook, Mr. Speaker.

Total 76



Noes: Bergsagel, Cocchiarella, Daily, Davis, Dowell, Ewer, Feland, Harper, Hayne, Kasten, Keller, Larson, McCaffree, Pavlovich, Peck, Quilici, Rehbein, Schwinden, Toole, Wanzenried, Winslow, Wiseman.

Total 22

Excused: None.

Total 0

Absent or not voting: Raney, Schye.

Total 2

**SB 121** - Representative J. Rice moved consideration of Governor's amendments to SB 121 be passed for the day. Motion carried.

**SJR 30** - Representative Spring moved SJR 30 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kasten, Keller, Knox, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 95

Noes: Bergsagel, Larson, Peck.

Total 3

Excused: None.

Total 0

Absent or not voting: Grinde, Kadas.

Total 2

**HB 651** - Representative Wanzenried moved Senate amendments to HB 651 be concurred in. Motion carried as follows:

Ayes: Anderson, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, Harper, Harrington, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Squires, Stanford, Stovall,

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Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 87

Noes: Bachini, Bergsagel, Boharski, Fisher, M. Hanson, Hayne, Herron, Kasten, Peck, Peterson, Rehbein, Spring, Winslow.  
Total 13

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

Representative Grinde moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman Bohlinger moved the adoption of the committee report. Report adopted. (85-11)

### **MOTIONS**

Representative Grinde moved SB 426 be taken from the adverse committee report and referred to the Committee on Local Government. Motion carried. (65-31)

Representative Wallin moved the House reconsider its action on Senate amendments to HB 591 taken on second reading this legislative day. Motion failed. (47-50)

Representative Grinde moved the Speaker be authorized to appoint a conference committee to meet with a like committee from the Senate to confer on Senate amendments to HB 5. Motion carried.

Mr. Speaker appointed the following members:

Representative Grady, Chairman  
Representative Menahan  
Representative Bergsagel

Representative Grinde moved the Speaker be authorized to dissolve the conference committee on SB 15 and appoint a free conference committee to meet with a like committee from the Senate to confer on SB 15. Motion carried.

Mr. Speaker appointed the following members:

Representative J. Rice, Chairman  
Representative L. Nelson  
Representative Vogel

### **ANNOUNCEMENTS**

Committee meetings were announced by committee chairmen.

Representative Grinde moved the House adjourn until 8:00 a.m., Saturday, April 17, 1993. Motion carried.

House adjourned at 4:38 p.m.

John Mercer, Speaker

Marilyn Miller, Chief Clerk

## EIGHTY-FIFTH LEGISLATIVE DAY

Helena, Montana  
April 17, 1993

House Chambers  
State Capitol

House convened at 8:00 a.m. Mr. Speaker in the Chair. Invocation by Representative Schwinden. Pledge of Allegiance to the Flag.

Roll call. All members present except Barnhart, Cobb, Grady, J. Johnson, L. Nelson, S. Rice, Russell, Ryan, Smith, excused. Quorum present.

Mr. Speaker introduced this week's pages:

Missy Targerson, Polson (permanent page)  
Janelle Holden, Valier  
Marc Rassler, Livingston  
Danelle Forster, Laurel  
Kris Olsen, Havre  
Zeke Kaney, Butte  
Becky Quilici, Butte  
Emily Garding, Billings

### Honorary Pages

Jody White, Butte  
Megan Hansen, Missoula  
Kyle Grimes, Clancy  
Miranda Noble, Belgrade  
Paul Quilici, Butte

## REPORTS OF STANDING COMMITTEES

BILLS (Hayne, Chairman): 4/17/93  
Correctly engrossed for third reading: SJR 30.  
Signed by the Speaker at 5:00 p.m., 4/14/93: SJR 24.  
Signed by the Speaker at 1:00 p.m., 4/16/93: SB 320.  
Signed by the Speaker at 6:00 p.m., 4/16/93: HB 49, HB 157, HB 169,  
HB 608, HB 668, SB 119.

LOCAL GOVERNMENT (Wallin, Chairman): 4/16/93  
**SJR 33**, third reading copy, be concurred in. Report adopted.

## REPORTS OF SELECT COMMITTEES

Conference Committee  
on House Bill 405  
Report No. 1, April 16, 1993

Mr. Speaker and Mr. President:

We, your Conference Committee on House Bill 405, met and considered:

1. Senate Judiciary Committee amendments, dated March 29, 1993, to House Bill 405

And recommend that the Senate amendments to House Bill 405 (reference copy -- salmon) be accepted.



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And that this Conference Committee report be adopted.

For the House:

For the Senate:

Fisher, Chairman  
Bergman  
McCulloch

Franklin, Chairman  
Doherty  
Harp

**MESSAGES FROM THE SENATE**

House bill indefinitely postponed and returned to the House: 4/14/93

**HB 670**, introduced by Boharski

**MESSAGES FROM THE GOVERNOR**

The Honorable John Mercer  
Speaker of the House  
State Capitol  
Helena, Montana 59620

April 14, 1993

Dear Representative Mercer:

Please be informed that I have signed House Bill 397 on April 14, 1993.

Sincerely,

MARC RACICOT  
Governor

The Honorable John Mercer  
Speaker of the House  
State Capitol  
Helena, Montana 59620

April 15, 1993

Dear Representative Mercer:

Please be informed that I have signed House Bill 307 on April 15, 1993.

Sincerely,

MARC RACICOT  
Governor

The Honorable John Mercer  
Speaker of the House  
State Capitol  
Helena, Montana 59620

April 16, 1993

Dear Representative Mercer:

Please be informed that I have signed House Bills 97, 241, 281, 288, 395, 401, 423, 494, 500, and 638 on April 16, 1993.

Sincerely,

MARC RACICOT  
Governor

The Honorable Fred Van Valkenburg  
President of the Senate  
State Capitol  
Helena MT 59620

April 16, 1993

The Honorable John Mercer  
Speaker of the House  
State Capitol  
Helena MT 59620

Dear President Van Valkenburg and Speaker Mercer:

In accordance with the power vested in me as Governor by the Constitution and laws of the State of Montana, I hereby return Senate Bill 71, "AN ACT ALLOWING DEPARTMENT HEADS TO ELIMINATE ~~UNNECESSARY ADMINISTRATIVE~~ POSITIONS WITHIN A DEPARTMENT; PROVIDING A FISCAL INCENTIVE TO THE DEPARTMENT HEAD TO REDUCE ~~ADMINISTRATIVE~~ POSITIONS WITHIN A DEPARTMENT; AMENDING SECTION 2-15-122, MCA; AND PROVIDING AN ~~IMMEDIATE~~ EFFECTIVE DATE," with the attached amendments for the following reasons.

Senate Bill 71, according to its title, is intended to provide a fiscal incentive to directors of state agencies to eliminate unnecessary positions within their agencies. It provides that an agency's appropriation may be increased in the second year of the biennium by an amount equal to one-half of the savings resulting from the elimination of a position in the first year of the biennium. However, the bill also reduces the agency's appropriation for the first year by a like amount. This latter feature of the bill is actually a disincentive to the elimination of positions in state agencies since an agency's base-year budget would be reduced by half of the savings.

For example, an agency may find that they can contract for a particular service and eliminate positions. When they move a portion of the savings to the subsequent fiscal year to pay for the contract, they lose part of the appropriation authority in their base year. It seems unlikely that agencies will take advantage of that option. Under the current budget statute, an agency can eliminate the position and use the entire savings in the first year of the biennium as well as have the entire savings from the vacancy in the second year.

Therefore the incentive to eliminate positions which is addressed in the title of the act does not exist unless the language that authorizes a reduction in an agency's appropriation is struck from the bill.

I urge your consideration of this proposal.

Sincerely,

MARC RACICOT  
Governor

GOVERNOR'S AMENDMENTS  
TO SENATE BILL 71

1. Page 4, lines 1 through 3.  
Strike: "THE" on line 1 through "AMOUNT." on line 3

The Honorable Fred Van Valkenburg  
President of the Senate  
State Capitol  
Helena MT 59620

April 16, 1993

The Honorable John Mercer  
Speaker of the House  
State Capitol  
Helena MT 59620

Dear President Van Valkenburg and Speaker Mercer:

In accordance with the power vested in me as Governor by the Constitution and laws of the State of Montana, I hereby return Senate Bill 347, "AN ACT GENERALLY REVISING WORKERS' COMPENSATION LAW TO ATTAIN BETTER MEDICAL COST CONTAINMENT; REVISING AN INJURED WORKER'S FREEDOM OF CHOICE OF PHYSICIANS; AMENDING MEDICAL DEFINITIONS; DISTINGUISHING BETWEEN PRIMARY AND SECONDARY MEDICAL SERVICES; ~~REVISING PROVISIONS REGARDING IMPAIRMENT EVALUATIONS;~~ REVISING PROVISIONS REGARDING PAYMENT FOR PRESCRIPTION DRUGS; PROVIDING FOR MANAGED CARE AND A PREFERRED PROVIDERS ORGANIZATION; REQUIRING THE INJURED WORKER TO COMPLY WITH RECOMMENDED MEDICAL TREATMENT; REGULATING DOMICILIARY CARE; LIMITING PHYSICIAN SELF-REFERRAL; CREATING MEDICAL ADVISORY COMMITTEES; AMENDING SECTIONS 33-22-111, 39-71-116, 39-71-704, ~~39-71-711~~ AND 39-71-727, MCA; AND PROVIDING AN EFFECTIVE DATE AND A RETROACTIVE APPLICABILITY DATE," with the attached amendments.

Senate Bill 347 provides for medical cost containment in workers' compensation. Among the bill's provisions is a requirement that a worker, after the initial visit to a medical service provider, pay a portion of the cost of each subsequent visit, with certain exceptions. This "co-payment" provision resulted in an inconsistency with an existing statute, section 39-71-743, MCA. Subsection (3) of that statute states that no charge shall be payable by the injured worker for treatment of injuries sustained if liability is accepted by the insurer.

Senator Harp, the sponsor of Senate Bill 347, has asked that a technical amendment be offered to make the "co-payment" provision consistent with section 39-71-743(3), MCA, and I urge your approval of the amendment.

Sincerely,

MARC RACICOT  
Governor

GOVERNOR'S AMENDMENTS  
TO SENATE BILL 347

1. Title, line 22.

Strike: "AND"

Following: "39-71-727"

Insert: "AND 39-71-743,"

2. Page 28, line 23.

Following: line 22

Insert: "Section 14. Section 39-71-743, MCA, is amended to read:

"39-71-743. Assignment or attachment of payments. (1) No payments under this chapter shall be assignable, subject to attachment or garnishment, or be held liable in any way for debts, except:

(a) as provided in 71-3-1118; or

(b) a portion of any lump-sum award or periodic payment to pay a monetary obligation for current or past-due child support, subject to the limitations in subsection (2), whenever the support obligation is established by order of a court of competent jurisdiction or by order rendered in an administrative process authorized by state law.

(2) Payments under this chapter are subject to assignment, attachment, or garnishment for child support as follows:

(a) for any periodic payment, an amount up to the percentage amount established in the guidelines promulgated by the department of social and rehabilitation services pursuant to 40-5-209; or

(b) for any lump-sum award, an amount up to that portion of the award that is approved for payment on the basis of a past-due child support obligation.

(3) After determination that the claim is covered under the Worker's Compensation Act or Occupational Disease Act of Montana, the liability for payment of the claim is the responsibility of the appropriate workers' compensation insurer. No Except as provided in 39-71-704(7), a fee or charge shall be is not payable by the injured worker for treatment of injuries sustained if liability is accepted by the insurer.""

Renumber: subsequent sections

**FIRST READING AND COMMITMENT  
OF BILLS AND RESOLUTIONS**

The following House Joint Resolutions were introduced, read first time, and referred to committee:



**HJR 33**, introduced by Grimes, Benedict, Driscoll, Harp, Ewer, Hibbard, Forrester, referred to Committee on Business and Economic Development

**HJR 34**, introduced by Smith, referred to Committee on Appropriations

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Ream in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 667** - Representative Fagg moved Senate amendments to HB 667 be not concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Clark, Cobb, DeBruycker, Ellis, Ewer, Fagg, Feland, Fisher, Foster, Gilbert, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Hayne, Herron, Hibbard, R. Johnson, Kadas, Kasten, Keller, Knox, Mason, McCaffree, Mills, Molnar, T. Nelson, Orr, Peck, Peterson, Rehbein, J. Rice, Sayles, Simon, Simpkins, Spring, Squires, Stovall, Swanson, Tash, Tunby, Vogel, Wagner, Wallin, Wanzenried, Whalen, Wiseman, Zook, Mr. Speaker.  
Total 61

Noes: Barnhart, Brooke, Brown, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Endy, Galvin, Gervais, Harper, Harrington, J. Johnson, Larson, McCarthy, McCulloch, Menahan, L. Nelson, Pavlovich, Quilici, Raney, Ream, S. Rice, Ryan, Schwinden, Schye, Stanford, Strizich, Toole, Wyatt.  
Total 33

Voted Absentee: Cobb, Aye; Barnhart, J. Johnson, L. Nelson, S. Rice, Ryan, Noes.

Excused: Grady, Russell, Smith.  
Total 3

Absent or not voting: Rose, Tuss, Winslow.  
Total 3

**HB 688** - Representative Grinde moved Senate amendments to HB 688 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Barnett, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brown, Clark, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Driscoll, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Gervais, Gilbert, Grimes, Grinde, Hansen, H.S. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Rehbein, J. Rice,

April 17, 1993

S. Rice, Rose, Ryan, Sayles, Schwinden, Simpkins, Spring, Stovall, Swanson, Tash, Tunby, Vogel, Wagner, Wallin, Wanzenried, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 76

Noes: Bardanouve, Barnhart, Bergsagel, Brooke, Dowell, Elliott, Galvin, M. Hanson, J. Johnson, McCaffree, Raney, Ream, Schye, Simon, Squires, Stanford, Strizich, Toole, Whalen.

Total 19

Voted Absentee: L. Nelson, S. Rice, Ryan, Ayes; Barnhart, J. Johnson, Noes.

Excused: Cobb, Grady, Russell, Smith.

Total 4

Absent or not voting: Tuss.

Total 1

**SB 121** - Representative Strizich moved Governor's amendments to SB 121 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 93

Noes: Bergsagel.

Total 1

Voted Absentee: Barnhart, J. Johnson, L. Nelson, S. Rice, Ryan, Ayes.

Excused: Cobb, Grady, Russell, Smith.

Total 4

Absent or not voting: Harper, Tuss.

Total 2

**SJR 28** - Representative Simpkins moved SJR 28 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cocchiarella, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer,

Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 92

Noes: Bergsagel, Daily, DeBruycker, Pavlovich.  
Total 4

Voted Absentee: Barnhart, J. Johnson, L. Nelson, S. Rice, Ryan, Ayes.

Excused: Cobb, Grady, Russell, Smith.  
Total 4

Absent or not voting: None.  
Total 0

**SJR 33** - Representative Ewer moved SJR 33 be concurred in. Motion carried as follows:

Ayes: Bachini, Bardanouve, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 87

Noes: Barnett, Bergsagel, DeBruycker, Feland, Gilbert, Hayne, Mills, Rehbein.  
Total 8

Voted Absentee: Barnhart, J. Johnson, L. Nelson, S. Rice, Ryan, Ayes.

Excused: Cobb, Grady, Russell, Smith.  
Total 4

Absent or not voting: Anderson.  
Total 1

**HB 142** - Representative Anderson moved the conference committee report to HB 142 be adopted.

Representative Vogel made a substitute motion the conference committee report to HB 142 be not adopted. Motion carried as follows:

Ayes: Bachini, Bardanouve, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brown, Clark, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Driscoll, Ellis, Endy, Feland, Foster, Galvin, Gervais, Grimes, H.S. Hanson, Hibbard, Larson, McCaffree, McCarthy, McCulloch, Menahan, Molnar, T. Nelson, Pavlovich, Quilici, Raney, Rehbein, J. Rice, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Squires, Stovall, Tash, Toole, Tunby, Vogel, Wagner, Wallin, Wanzenried, Whalen, Wyatt, Zook, Mr. Speaker.  
Total 57

Noes: Anderson, Barnett, Barnhart, Brooke, Dowell, Elliott, Ewer, Fagg, Fisher, Gilbert, Grinde, Hansen, M. Hanson, Harper, Harrington, Hayne, Herron, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Mason, Mills, L. Nelson, Orr, Peck, Peterson, Ream, S. Rice, Rose, Spring, Stanford, Strizich, Swanson, Winslow, Wiseman.  
Total 38

Voted Absentee: Ryan, Aye; Barnhart, J. Johnson, L. Nelson, S. Rice, Noes.

Excused: Cobb, Grady, Russell, Smith.  
Total 4

Absent or not voting: Tuss.  
Total 1

**HB 190** - Representative Mason moved the conference committee report to HB 190 be adopted. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Vogel, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 88

Noes: Benedict, Bergsagel, Feland, Gilbert, Peterson, Rehbein, Wagner.  
Total 7

Voted Absentee: Barnhart, J. Johnson, L. Nelson, S. Rice, Ryan, Ayes.

Excused: Cobb, Grady, Russell, Smith.  
Total 4

Absent or not voting: Tuss.



Total 1

**HB 287** - Representative Wiseman moved the conference committee report to HB 287 be adopted. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 91

Noes: Bergsagel, DeBruycker, Kasten, Rehbein.

Total 4

Voted Absentee: Barnhart, J. Johnson, L. Nelson, S. Rice, Ryan, Ayes.

Excused: Cobb, Grady, Russell, Smith.

Total 4

Absent or not voting: Tuss.

Total 1

**HB 548** - Representative Strizich moved the conference committee report to HB 548 be adopted. Motion carried as follows:

Ayes: Anderson, Barnett, Barnhart, Benedict, Bird, Bohlinger, Brandewie, Brooke, Clark, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Ryan, Schwinden, Schye, Simon, Simpkins, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Vogel, Wagner, Wallin, Wanzenried, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 83

Noes: Bachini, Bardanouve, Bergman, Bergsagel, Boharski, Brown, Cobb, DeBruycker, Hayne, Peck, Peterson, Sayles, Whalen.

Total 13

Voted Absentee: Barnhart, J. Johnson, L. Nelson, S. Rice, Ryan, Ayes; Cobb, No.

Excused: Grady, Russell, Smith.

Total 3

Absent or not voting: Tuss.

Total 1

**HB 581** - Representative Elliott moved consideration of the free conference committee report to HB 581 be passed for the day. Motion carried.

Representative Grinde moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman Ream moved the adoption of the committee report. Report adopted. (78-9)

### MOTIONS

Representative Grinde moved the Speaker be authorized to appoint a conference committee to meet with a like committee from the Senate to confer on Senate amendments to HB 70. Motion carried.

Mr. Speaker appointed the following members:

Representative M. Hanson, Chairman  
Representative S. Rice  
Representative Bohlinger

Representative Grinde moved the Speaker be authorized to appoint a conference committee to meet with a like committee from the Senate to confer on Senate amendments to HB 198. Motion carried.

Mr. Speaker appointed the following members:

Representative Peterson, Chairman  
Representative Simpkins  
Representative Peck

Representative Grinde moved the Speaker be authorized to appoint a conference committee to meet with a like committee from the Senate to confer on Senate amendments to HB 322. Motion carried.

Mr. Speaker appointed the following members:

Representative Feland, Chairman  
Representative Gilbert  
Representative Driscoll

Representative Grinde moved the Speaker be authorized to appoint a conference committee to meet with a like committee from the Senate to confer on Senate amendments to HB 591. Motion carried.

Mr. Speaker appointed the following members:

Representative Wallin, Chairman  
Representative Galvin  
Representative R. Johnson

Representative Grinde moved the Speaker be authorized to appoint a free conference committee to meet with a like committee from the Senate to confer on HB 667. Motion carried.

Mr. Speaker appointed the following members:

Representative Boharski, Chairman  
Representative Peck  
Representative H. S. Hanson

### **COMMUNICATIONS AND PETITIONS**

Mr. Speaker appointed citizen members, Bob Boeh of Whitefish and Jeanne-Marie Souvigney of Livingston, to the Environmental Quality Council.

### **ANNOUNCEMENTS**

Committee meetings were announced by committee chairmen.

Representative Grinde moved the House adjourn until 1:00 p.m., Monday, April 19, 1993. Motion carried.

House adjourned at 8:40 a.m.

John Mercer, Speaker

Marilyn Miller, Chief Clerk

## EIGHTY-SIXTH LEGISLATIVE DAY

Helena, Montana  
April 19, 1993

House Chambers  
State Capitol

House convened at 1:00 p.m. Mr. Speaker in the Chair. Invocation by Reverend Bill Wohlers. Pledge of Allegiance to the Flag.

Roll call. All members present. Quorum present.

Mr. Speaker: We, your committee on Legislative Administration/Bills and Journal, having examined the daily journal for the eighty-first legislative day, find the same to be correct.

Harriet Hayne, Chairman

### REPORTS OF STANDING COMMITTEES

BILLS (Hayne, Chairman): 4/19/93  
Correctly engrossed for third reading: SJR 28, SJR 33.  
Correctly enrolled: HJR 14, HJR 15. 4/17/93  
Signed by the Speaker at 3:00 p.m., 4/17/93: HB 10, HB 12, HB 17, HB 216, HB 233, HB 308, HB 318, HB 367, HB 374, HB 375, HB 382, HB 419, HB 422, HB 511, HB 532, HB 537, HB 563, HB 567, HB 654, HB 663, HB 674, HJR 14, HJR 15.

### REPORTS OF SELECT COMMITTEES

Free Conference Committee  
on Senate Bill 15  
Report No. 1, April 16, 1993

Mr. President and Mr. Speaker:

We, your Free Conference Committee on Senate Bill 15, met and considered Senate Bill 15.

We recommend that Senate Bill 15 (reference copy - salmon) be amended as follows:

1. Page 2, line 18.

Strike: line 19 through "GRANTED." on line 24

Insert: "The aggrieved party may have the grievance or disputed interpretation of the agreement resolved either by final and binding arbitration or by any other available legal method and forum, but not by both. After a grievance has been submitted to arbitration, the grievant and the exclusive representative waive any right to pursue against the school an action or complaint that seeks the same remedy."

2. Page 2, line 25.

Strike: "APPEAL."

3. Page 3, lines 1 through 3.

Strike: "WITH" on line 1 through "SECTION" on line 3

Insert: "against the school, arbitration seeking the same remedy may not be filed or pursued under this section"



And that this Free Conference Committee report be adopted.

For the Senate:

For the House:

Blaylock, Chairman  
Brown  
Doherty

J. Rice, Chairman  
L. Nelson  
Vogel

Free Conference Committee  
on Senate Bill 98  
Report No. 1, April 16, 1993

Mr. President and Mr. Speaker:

We, your Free Conference Committee on Senate Bill 98, met and considered Senate Bill 98.

We recommend that Senate Bill 98 (reference copy - salmon) be amended as follows:

1. Title, lines 4 and 5.

Following: "'AN ACT" on line 4

Strike: the remainder of line 4 through "SEED;" on line 5

2. Title, line 6.

Strike: "LICENSE PROVISIONS,"

Following: "PENALTIES"

Strike: ", AND FEES"

3. Title, line 8.

Strike: "80-5-120, 80-5-202,"

4. Title, line 9.

Following: "80-5-207"

Strike: ", "

5. Title, line 10.

Strike: "AND A TERMINATION DATE"

6. Page 2, line 10 through page 11, line 8.

Strike: sections 1 and 2 in their entirety

Renumber: subsequent sections

7. Page 14, lines 1 and 2.

Strike: section 6 in its entirety

And that this Free Conference Committee report be adopted.

For the Senate:

For the House:

Rea, Chairman  
Aklestad  
Koehnke

Grinde, Chairman  
Bachini  
Spring

Free Conference Committee  
on Senate Bill 362  
Report No. 1, April 15, 1993

Mr. President and Mr. Speaker:

We, your Free Conference Committee on Senate Bill 362, met and considered:

Senate Bill 362 in its entirety

We recommend that Senate Bill 362 (reference copy - salmon) be amended as follows:

1. Title, line 4.

Strike: "10-DAY"

Insert: "20-DAY"

2. Page 1, line 19.

Strike: "justice's"

Strike: "10"

Insert: "20"

3. Page 1, line 22.

Strike: "10"

Insert: "20"

Strike: "submitted"

Insert: "transmitted"

4. Page 1, line 23.

Following: the first "court"

Strike: the remainder of line 23 through the second "court"

5. Page 2, line 3.

Following: "the"

Strike: the remainder of line 3

6. Page 2, line 6.

Following: line 5

Insert: "NEW SECTION. Section 2. Coordination instruction. The code commissioner shall remove references to specific courts of original jurisdiction in new material enacted to be codified as part of Title 70, chapter 24 or 25."

Renumber: subsequent section

And that this Free Conference Committee report be adopted.

For the Senate:

Weldon, Chairman  
Bianchi  
Beck

For the House:

Brandewie, Chairman  
Cocchiarella  
Mills

**MESSAGES FROM THE SENATE**

Governor's amendments concurred in: 4/17/93

**HB 327**, introduced by McCaffree

**HB 372**, introduced by S. Rice

Conference committee report #1 adopted: 4/17/93

**HB 190**, introduced by Mason

**HB 287**, introduced by Wiseman

**SB 72**, introduced by Devlin

**SJR 17**, introduced by Weeding

Free conference committee report #1 adopted: 4/17/93

**HB 469**, introduced by Cocchiarella

**HB 581**, introduced by S. Rice

**SB 145**, introduced by Waterman

Senate bill requested to be returned for further consideration: 4/19/89

**SB 368**, introduced by Doherty

Speaker Pro Tempore M. Hanson assumed the Chair at this time.

**MESSAGES FROM THE GOVERNOR**

The Honorable John Mercer April 19, 1993  
Speaker of the House  
State Capitol  
Helena, Montana 59620

Dear Representative Mercer:

Please be informed that I have signed House Bills 27, 139, 170, 201, 222, 255, 272, 294, 317, 358, 410, 443, 445, 472, 478, 496, 507, 510, 526, 549, 565, 606, 609, 610, 637, and 648 on April 19, 1993.

Sincerely,

MARC RACICOT  
Governor

The Honorable John Mercer April 19, 1993  
Speaker of the House  
State Capitol  
Helena MT 59620

The Honorable Fred Van Valkenburg  
President of the Senate  
State Capitol  
Helena MT 59620

Dear Speaker Mercer and President Van Valkenburg:

In accordance with the power vested in me as Governor by the Constitution and laws of the state of Montana, I hereby return House Bill 562, "AN ACT EXPANDING THE SCOPE OF THE CRIME OF SEXUAL ABUSE OF CHILDREN; PROVIDING THAT POSSESSION OF CERTAIN MATERIAL IS A CRIME; AND AMENDING SECTION 45-5-625, MCA," with the attached amendment for the following reasons.

House Bill 562 expands upon the types of activities that are included in the crime of sexual abuse of children. The bill also provides for a longer prison sentence when the child victim is under 16 years of age. However, this differentiation in sentencing is rendered inoperative by a subsection that defines every child as a person less than 16 years old. Therefore, in order to retain the different levels of sentencing and to make the bill applicable in all cases of sexual abuse of children under the age of 18, I propose that the definition of "child" be struck from the bill. The sponsor, Jim Rice, is in agreement with this change.

Sincerely,

MARC RACICOT  
Governor

**GOVERNOR'S AMENDMENT  
TO HOUSE BILL 562**

1. Page 3, lines 12 and 13.  
Strike: subsection (4) in its entirety

**MOTIONS**

Mr. Speaker moved the rules be suspended for the House to reconsider its action on SB 368. Motion carried.

Mr. Speaker further moved that the House reconsider its action on SB 368 and request that the Senate return SB 368 for further consideration. Motion carried.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative J. Rice moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Grinde in the Chair.

Speaker Pro Tempore: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 46** - Representative J. Johnson moved Senate amendments to HB 46 be concurred in. Motion carried as follows:



Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 93

Noes: Bergsagel, Cobb, DeBruycker, Fisher, Peterson, Rehbein.

Total 6

Excused: None.

Total 0

Absent or not voting: Vogel.

Total 1

**HB 427** - Representative Cobb moved Senate amendments to HB 427 be concurred in.

Representative Wanzenried made a substitute motion Senate amendments to HB 427 be not concurred in. Motion failed. (48-52)

Thereupon, motion to concur in Senate amendments to HB 427 carried as follows:

Ayes: Anderson, Barnett, Benedict, Bergman, Bergsagel, Boharski, Bohlinger, Brandewie, Clark, Cobb, DeBruycker, Ellis, Fagg, Feland, Fisher, Foster, Gilbert, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kasten, Keller, Knox, Mason, Mills, Molnar, T. Nelson, Orr, Peterson, Rehbein, J. Rice, Rose, Simon, Simpkins, Smith, Spring, Stovall, Tash, Tunby, Vogel, Wagner, Wallin, Winslow, Wiseman, Zook, Mr. Speaker.

Total 53

Noes: Bachini, Bardanouve, Barnhart, Bird, Brooke, Brown, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Endy, Ewer, Galvin, Gervais, Hansen, Harper, Harrington, Kadas, Larson, McCaffree, McCarthy, McCulloch, Menahan, L. Nelson, Pavlovich, Peck, Quilici, Raney, Ream, S. Rice, Russell, Ryan, Sayles, Schwinden, Schye, Squires, Stanford, Strizich, Swanson, Toole, Tuss, Wanzenried, Whalen, Wyatt.

Total 47

Excused: None.

Total 0

Absent or not voting: None.

April 19, 1993

Total 0

**HB 685** - Representative Grady moved Senate amendments to HB 685 be concurred in. Motion failed as follows:

Ayes: Bachini, Benedict, Bergsagel, Boharski, Brandewie, Cobb, DeBruycker, Ellis, Feland, Fisher, Foster, Gilbert, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Harper, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Mason, Molnar, L. Nelson, Orr, Peck, Peterson, Rehbein, J. Rice, Sayles, Simpkins, Spring, Stovall, Strizich, Tash, Tunby, Vogel, Wagner, Whalen, Winslow, Wiseman, Zook, Mr. Speaker.

Total 48

Noes: Anderson, Bardanouve, Barnett, Barnhart, Bergman, Bird, Bohlinger, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Endy, Ewer, Fagg, Galvin, Gervais, Hansen, Harrington, Hayne, Larson, McCaffree, McCarthy, McCulloch, Menahan, Mills, T. Nelson, Pavlovich, Quilici, Raney, Ream, S. Rice, Rose, Russell, Ryan, Schwinden, Schye, Simon, Smith, Squires, Stanford, Swanson, Toole, Tuss, Wallin, Wanzenried, Wyatt.

Total 52

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 405** - Representative Fisher moved the conference committee report to HB 405 be adopted. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 97

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: Daily, Pavlovich, Tuss.

Total 3

**HB 581** - Representative S. Rice moved the free conference committee report to HB 581 be adopted. Motion carried as follows:

Ayes: Anderson, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hibbard, J. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Quilici, Raney, Ream, J. Rice, S. Rice, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Smith, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 86

Noes: Bachini, Bergsagel, DeBruycker, Hayne, Herron, R. Johnson, Peck, Peterson, Rehbein, Rose, Simpkins, Spring, Vogel.

Total 13

Excused: None.

Total 0

Absent or not voting: Grady.

Total 1

Representative J. Rice moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman Grinde moved the adoption of the committee report. Report adopted. (72-28)

### THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HJR 30** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnhart, Benedict, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, Harper, Harrington, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Pavlovich, Peck, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 85

Noes: Barnett, Bergman, Bergsagel, DeBruycker, Feland, Fisher, Foster, M. Hanson, Hayne, Herron, Orr, Peterson, Rehbein, Spring.  
Total 14

Excused: None.  
Total 0

Absent or not voting: Daily.  
Total 1

**HJR 31** passed as follows:

Ayes: Anderson, Bardanouve, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Clark, Cobb, Ellis, Ewer, Fagg, Fisher, Foster, Gilbert, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Hayne, Herron, R. Johnson, Kadas, Kasten, Knox, Mason, McCaffree, Menahan, Mills, Molnar, T. Nelson, Orr, Peterson, Raney, Rehbein, J. Rice, Rose, Russell, Sayles, Schye, Simon, Simpkins, Smith, Spring, Stovall, Tash, Tunby, Vogel, Wagner, Wallin, Wanzenried, Winslow, Wiseman, Zook, Mr. Speaker.  
Total 58

Noes: Bachini, Barnett, Barnhart, Bergsagel, Brooke, Brown, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Endy, Feland, Galvin, Gervais, Harrington, Hibbard, J. Johnson, Keller, McCarthy, McCulloch, L. Nelson, Pavlovich, Peck, Ream, S. Rice, Ryan, Schwinden, Squires, Stanford, Strizich, Swanson, Toole, Tuss, Whalen, Wyatt.  
Total 39

Excused: None.  
Total 0

Absent or not voting: Grady, Larson, Quilici.  
Total 3

**HB 3**, Senate amendments, concurred in as follows:

Ayes: Anderson, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Bohlinger, Brandewie, Brown, Clark, Cobb, Davis, Dolezal, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Galvin, Grady, Grinde, H.S. Hanson, M. Hanson, Harper, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Larson, Mason, McCaffree, McCarthy, Menahan, Mills, L. Nelson, T. Nelson, Orr, Quilici, Raney, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Simon, Smith, Spring, Squires, Stanford, Stovall, Swanson, Tash, Toole, Tunby, Wagner, Wallin, Wiseman, Zook, Mr. Speaker.  
Total 67

Noes: Bachini, Bergsagel, Boharski, Brooke, Cocchiarella, Daily, DeBruycker, Dowell, Driscoll, Feland, Foster, Gervais, Gilbert, Hansen, Harrington, Kasten, McCulloch, Molnar, Pavlovich, Peck, Peterson, Ream, Rehbein, Simpkins, Strizich, Tuss, Vogel, Wanzenried, Whalen, Winslow, Wyatt.  
Total 31



Excused: None.

Total 0

Absent or not voting: Grimes, Schye.

Total 2

**HB 65**, Senate amendments, concurred in as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bird, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, J. Johnson, R. Johnson, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 91

Noes: Bergman, Bergsagel, Boharski, DeBruycker, Feland, Gilbert, Herron, Kadas, Mills.

Total 9

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 145**, Senate amendments, concurred in as follows:

Ayes: Anderson, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, L. Nelson, T. Nelson, Orr, Pavlovich, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wyatt, Mr. Speaker.

Total 85

Noes: Bachini, Bergsagel, Boharski, Cocchiarella, DeBruycker, Feland, Gilbert, Hayne, Kasten, Molnar, Peck, Rehbein, Simon, Wiseman.

Total 14

Excused: None.

Total 0

Absent or not voting: Zook.  
Total 1

**HB 323**, Senate amendments, concurred in as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 96

Noes: Bergsagel, Rehbein.  
Total 2

Excused: None.  
Total 0

Absent or not voting: Grady, Quilici.  
Total 2

**HB 437**, Senate amendments, concurred in as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 90

Noes: Bergman, DeBruycker, Feland, Hayne, Herron, Peterson, Rehbein, Spring.  
Total 8

Excused: None.  
Total 0

Absent or not voting: Bergsagel, Smith.  
Total 2

**HB 517**, Senate amendments, concurred in as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hibbard, J. Johnson, Kadas, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 90

Noes: Bergman, Bergsagel, DeBruycker, Hayne, Herron, R. Johnson, Kasten, Rehbein, Spring, Wagner.

Total 10

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 522**, Senate amendments, concurred in as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnhart, Bergsagel, Bird, Boharski, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Foster, Galvin, Gervais, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hibbard, J. Johnson, Kadas, Larson, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Quilici, Raney, J. Rice, S. Rice, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Smith, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Vogel, Wallin, Wanzenried, Whalen, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 77

Noes: Barnett, Benedict, Bergman, Bohlinger, DeBruycker, Fisher, Gilbert, Hayne, Herron, R. Johnson, Kasten, Keller, Knox, Mason, Peterson, Rehbein, Rose, Spring, Wagner, Winslow.

Total 20

Excused: None.

Total 0

Absent or not voting: Ream, Simpkins, Tuss.

Total 3

**HB 572**, Senate amendments, concurred in as follows:

Ayes: Anderson, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wallin, Wanzenried, Whalen, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 89

Noes: Bachini, Bergsagel, Boharski, DeBruycker, Feland, Kasten, Peterson, Rehbein, Wagner, Winslow.

Total 10

Excused: None.

Total 0

Absent or not voting: Squires.

Total 1

**HB 616**, Senate amendments, concurred in as follows:

Ayes: Anderson, Barnett, Benedict, Bird, Bohlinger, Brandewie, Brooke, Brown, Cocchiarella, Daily, Dolezal, Dowell, Driscoll, Ellis, Endy, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Harper, Harrington, Hibbard, J. Johnson, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, T. Nelson, Orr, Pavlovich, Quilici, Raney, Ream, J. Rice, S. Rice, Russell, Ryan, Sayles, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 75

Noes: Bachini, Bardanouve, Barnhart, Bergman, Bergsagel, Boharski, Clark, Cobb, Davis, DeBruycker, Elliott, Ewer, Hansen, Hayne, Herron, R. Johnson, Kadas, Kasten, L. Nelson, Peck, Peterson, Rehbein, Rose, Schwinden.

Total 24

Excused: None.

Total 0

Absent or not voting: Keller.

Total 1

**HB 651**, Senate amendments, concurred in as follows:

Ayes: Anderson, Bardanouve, Barnhart, Bergman, Bird, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg,



Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, Harrington, Hibbard, J. Johnson, R. Johnson, Keller, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, T. Nelson, Orr, Pavlovich, Peck, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Simon, Simpkins, Smith, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 79

Noes: Bachini, Barnett, Benedict, Bergsagel, Boharski, Feland, Fisher, M. Hanson, Harper, Hayne, Herron, Kadas, Kasten, Knox, L. Nelson, Peterson, Rehbein, Schye, Spring, Winslow.

Total 20

Excused: None.

Total 0

Absent or not voting: Squires.

Total 1

**HB 673**, Senate amendments, concurred in as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 95

Noes: Cobb, Ewer, Kasten, Rehbein, J. Rice.

Total 5

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 679**, Senate amendments, concurred in as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Bergman, Bird, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Ellis, Endy, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kasten, Knox, Larson, Mason, McCaffree, McCarthy,

McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 90

Noes: Bergsagel, Boharski, Driscoll, Elliott, Ewer, Kadas, Keller, Winslow.  
Total 8

Excused: None.  
Total 0

Absent or not voting: Benedict, Squires.  
Total 2

**HB 689**, Senate amendments, concurred in as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Clark, Cobb, Daily, DeBruycker, Dolezal, Dowell, Elliott, Ellis, Endy, Fagg, Feland, Fisher, Foster, Galvin, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harrington, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Larson, Mason, McCarthy, McCulloch, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, J. Rice, Rose, Sayles, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Swanson, Tash, Toole, Tunby, Vogel, Wagner, Wallin, Wanzenried, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 78

Noes: Barnhart, Brooke, Brown, Cocchiarella, Davis, Driscoll, Ewer, Gervais, Harper, Hayne, Kasten, McCaffree, Menahan, Peterson, S. Rice, Russell, Ryan, Schwinden, Strizich, Tuss, Whalen, Winslow.  
Total 22

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SJR 30** concurred in as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, T. Nelson, Orr, Pavlovich, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich,

Swanson, Tash, Toole, Tunby, Vogel, Wagner, Wallin, Wanzenried, Whalen,  
Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 94

Noes: Bergsagel, Larson, L. Nelson, Peck.  
Total 4

Excused: None.  
Total 0

Absent or not voting: Ellis, Tuss.  
Total 2

**HB 301**, conference committee report, adopted as follows:

Ayes: Anderson, Bachini, Bardanoue, Barnett, Barnhart, Benedict,  
Bergman, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark,  
Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy,  
Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes,  
Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne,  
Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Larson,  
Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L.  
Nelson, T. Nelson, Orr, Pavlovich, Peck, Quilici, Raney, Ream, J. Rice, S.  
Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins,  
Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole,  
Tunby, Tuss, Vogel, Wallin, Wanzenried, Winslow, Wiseman, Wyatt, Zook,  
Mr. Speaker.  
Total 91

Noes: Bergsagel, Bird, Cobb, DeBruycker, Kasten, Peterson, Rehbein,  
Wagner, Whalen.  
Total 9

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 469**, free conference committee report, adopted as follows:

Ayes: Anderson, Bardanoue, Barnett, Barnhart, Benedict, Bird, Boharski,  
Bohlinger, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, DeBruycker,  
Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher,  
Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S.  
Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, J. Johnson, R.  
Johnson, Kadas, Keller, Knox, Larson, Mason, McCaffree, McCarthy,  
McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich,  
Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell,  
Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Squires, Stanford,  
Stovall, Strizich, Swanson, Tash, Toole, Tunby, Wallin, Wanzenried,  
Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 87

Noes: Bachini, Bergman, Bergsagel, Brandewie, Cobb, Herron, Kasten, Peck, Smith, Vogel, Wagner.  
Total 11

Excused: None.  
Total 0

Absent or not voting: Spring, Tuss.  
Total 2

**SB 72**, conference committee report, adopted as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 95

Noes: Bergsagel, Boharski, Fisher, Peterson.  
Total 4

Excused: None.  
Total 0

Absent or not voting: Tuss.  
Total 1

**SB 145**, free conference committee report, adopted as follows:

Ayes: Anderson, Bardanouve, Barnett, Barnhart, Benedict, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Davis, Dolezal, Dowell, Driscoll, Elliott, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Grady, Grimes, Hansen, M. Hanson, Harper, Harrington, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCulloch, Menahan, Molnar, T. Nelson, Orr, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Smith, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 78

Noes: Bachini, Bergman, Bergsagel, Daily, DeBruycker, Ellis, Feland, Gilbert, Grinde, H.S. Hanson, Hayne, Herron, McCarthy, Mills, L. Nelson, Pavlovich, Peck, Peterson, Rehbein, Simpkins, Spring, Wagner.  
Total 22



Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SJR 17**, conference committee report, adopted as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Quilici, Raney, Ream, J. Rice, S. Rice, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 88

Noes: Bergsagel, DeBruycker, Feland, Grinde, Herron, Molnar, Peterson, Rehbein, Rose, Spring, Wagner.

Total 11

Excused: None.

Total 0

Absent or not voting: Fagg.

Total 1

Representative Grinde moved the House recess until 3:00 p.m. Motion carried.

House recessed at 1:54 p.m.

House reconvened at 3:00 p.m. Mr. Speaker in the Chair.

### MESSAGES FROM THE SENATE

Senate bill returned by request of the House for further consideration:

4/19/93

**SB 368**, introduced by Doherty

### MOTIONS

Representative J. Rice moved the rules be suspended to permit placement and consideration of SB 368 on second and third readings this legislative day. Motion carried.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative J. Rice moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Grinde in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**SB 368** - Representative Toole moved SB 368, third reading copy, be amended as follows (amendment #1):

1. Title, line 4.

Strike: "AGREEING TO"

Insert: "PROVIDING FOR"

2. Page 1, line 10 through page 4, line 4.

Strike: preamble in its entirety

Insert: "WHEREAS, the Confederated Salish and Kootenai Tribes seek state approval to withdraw tribal consent and to partially retrocede from Public Law 280 jurisdiction on the Flathead Reservation in certain defined areas; and

WHEREAS, the State of Montana finds it appropriate at this time to consent to the resumption by the Confederated Salish and Kootenai Tribes of jurisdiction in those areas specifically provided for in this legislation.

THEREFORE, the Legislature of the State of Montana does hereby adopt this legislation to approve partial retrocession by the Confederated Salish and Kootenai Tribes."

3. Page 4, line 9 through page 5, line 6.

Strike: subsections (1) and (2) in their entirety

Insert: "(1) No sooner than 6 months after [the effective date of this act] and after consulting with local government officials concerning implementation, the Confederated Salish and Kootenai tribes may, by tribal resolution, withdraw consent to be subject to the criminal misdemeanor jurisdiction of the state of Montana. Within 6 months after receipt of the resolution, the governor shall issue a proclamation to that effect.

(2) The Confederated Salish and Kootenai tribes may, by separate resolution, withdraw consent to be subject to those areas of civil jurisdiction of the state of Montana that are delineated in tribal ordinance 40-A (revised and enacted May 5, 1965). The withdrawal is limited to those delineated areas of civil jurisdiction agreed upon in writing by the governor after consultation with the attorney general and officials of affected local governments. The tribes shall initiate this process by sending a certified letter to the governor. After consultation and execution of a written agreement between the governor and the tribes, the agreed-upon civil areas must be incorporated into a tribal resolution to be enacted by the tribes. Within 6 months after receipt of the tribal resolution, the

governor shall issue a proclamation to that effect that reflects the terms of the written agreement.

(3) Subsections (1) and (2) do not alter the existing jurisdiction or authority of the Confederated Salish and Kootenai tribes or the state of Montana, except as expressly provided for in subsections (1) and (2)."

Amendment #1 carried as follows:

Ayes: Anderson, Bachini, Bardanoue, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 100

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Toole moved SB 368, as amended, be concurred in. Motion carried as follows:

Ayes: Bachini, Bardanoue, Barnett, Barnhart, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 95

Noes: Clark, Cobb.

Total 2

Excused: None.  
Total 0

Absent or not voting: Anderson, Benedict, Feland.  
Total 3

Representative J. Rice moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman Grinde moved the adoption of the committee report. Report adopted. (100-0)

### THIRD READING OF BILLS

The following bill having been read three several times, title and history agreed to, was disposed of in the following manner:

**SB 368** concurred in as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Bergman, Bergsagel, Bird, Bohlinger, Brandewie, Brooke, Brown, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 96

Noes: Boharski, Clark, Cobb.  
Total 3

Excused: None.  
Total 0

Absent or not voting: Benedict.  
Total 1

### MOTIONS

Representative Grady moved the House reconsider its action on HB 685 taken this legislative day and that HB 685 be placed back on second reading. Motion carried. (57-41)

Representative Simon moved SB 346 be taken from the table in the Committee on Natural Resources, printed, and placed on second reading this legislative day.

Representative Daily moved for previous question. Motion carried.

Representative Simon then closed on his motion. Motion failed. (45-55)



**REPORTS OF STANDING COMMITTEES**

BUSINESS AND ECONOMIC DEVELOPMENT (Benedict, Chairman):

4/19/93

**HJR 33**, introduced bill, be amended as follows:

1. Page 2, line 25.

Following: "That"

Strike: the remainder of line 25

Insert: "a special joint"

2. Page 3, line 1.

Following: "committee"

Insert: "be established"

And, as amended, do pass. Report adopted.

**SJR 31**, third reading copy, be concurred in. Report adopted.**REPORTS OF SELECT COMMITTEES**

Free Conference Committee

on Senate Bill 252

Report No. 1, April 19, 1993

Mr. President and Mr. Speaker:

We, your Free Conference Committee on Senate Bill 252, met and considered Senate Bill 252. We recommend that Senate Bill 252 (reference copy - salmon) be amended as follows:

1. Title, lines 10 through 12.

Following: "~~SURVEY~~;" on line 10Strike: remainder of line 10 through "~~SURVEY~~;" on line 12Insert: "CREATING A REBUTTABLE PRESUMPTION REGARDING A  
LANDOWNER'S LIABILITY TO A SURVEYOR ON LAND FOR  
SURVEYING PURPOSES;"

2. Page 5, lines 8 through 10.

Following: "[9]" on line 8

Strike: remainder of line 8 through "LAND." on line 10

3. Page 5, line 10.

Strike: "A"

Insert: "Entry upon land for survey purposes by a"

4. Page 5, lines 11 through 16.

Following: "[1]" on line 11

Strike: remainder of line 11 through "LESSEE" on line 16

Insert: "creates a rebuttable presumption that the landowner or lessee properly protected the person against personal injury or property damage while the person was on the land"

And that this Free Conference Committee report be adopted.

For the Senate:

Doherty, Chairman  
Hertel  
Yellowtail

For the House:

R. Johnson, Chairman  
Brandewie  
Wyatt

Free Conference Committee  
on Senate Bill 311  
Report No. 1, April 19, 1993

Mr. President and Mr. Speaker:

We, your Free Conference Committee on Senate Bill 311, met and considered: Senate Bill 311. We recommend that Senate Bill 311 (reference copy - salmon) be amended as follows:

1. Page 2, line 7.

Following: "owner"

Insert: "to whom disbursements are made by the holder of the proceeds from the sale of oil, gas, casinghead gas, or other related hydrocarbons"

And that this Free Conference Committee report be adopted.

For the Senate:

Jergeson, Chairman  
Gage  
Hockett

For the House:

Bergsagel, Chairman  
Feland  
McCarthy

### **ANNOUNCEMENTS**

Committee meetings were announced by committee chairmen.

Representative Grinde moved the House adjourn until 8:00 a.m., Tuesday, April 20, 1993. Motion carried.

House adjourned at 4:48 p.m.

John Mercer, Speaker

Marilyn Miller, Chief Clerk



## **EIGHTY-SEVENTH LEGISLATIVE DAY**

Helena, Montana  
April 20, 1993

House Chambers  
State Capitol

House convened at 8:00 a.m. Mr. Speaker in the Chair. Invocation by Representative Keller. Pledge of Allegiance to the Flag.

Roll call. All members present except S. Rice, excused. Quorum present.

Mr. Speaker: We, your committee on Legislative Administration/Bills and Journal, having examined the daily journal for the eighty-second legislative day, find the same to be correct.

Harriet Hayne, Chairman

### **MESSAGES FROM THE SENATE**

Conference committee report #1 adopted:

4/19/93

**HB 548**, introduced by Strizich

### **MESSAGES FROM THE GOVERNOR**

The Honorable John Mercer  
Speaker of the House  
State Capitol  
Helena, Montana 59620

April 16, 1993

Dear Representative Mercer:

Please be informed that I have signed House Bill 283 on April 16, 1993.

Sincerely,

MARC RACICOT  
Governor

The Honorable John Mercer  
Speaker of the House  
State Capitol  
Helena, Montana 59620

April 19, 1993

Dear Representative Mercer:

Please be informed that I have signed House Bill 84 on April 19, 1993.

Sincerely,

MARC RACICOT  
Governor

The Honorable John Mercer  
Speaker of the House  
State Capitol  
Helena MT 59620

April 19, 1993



The Honorable Fred Van Valkenburg  
President of the Senate  
State Capitol  
Helena MT 59620

Dear Speaker Mercer and President Van Valkenburg:

In accordance with the power vested in me as Governor by the Constitution and laws of the State of Montana, I hereby return House Bill 411, "AN ACT GENERALLY REVISING THE PUBLIC GAMBLING AND AMUSEMENT GAME LAWS OF MONTANA; REVISING THE COMPENSATION FOR GAMING ADVISORY COUNCIL MEMBERS; REVISING THE DEFINITIONS OF BINGO, DISTRIBUTOR, LICENSE, MANUFACTURER, AND PROMOTIONAL GAME OF CHANCE; REQUIRING THE DEPARTMENT OF JUSTICE TO HAVE CLEAR AND CONVINCING EVIDENCE BEFORE ISSUING A TEMPORARY CEASE AND DESIST ORDER; STATING THE TYPES OF EVIDENCE TO BE PRESENTED DURING AN ADMINISTRATIVE PROCEEDING; DEFINING CONDITIONS UNDER WHICH AN ILLEGAL GAMBLING DEVICE MAY BE BROUGHT INTO THE STATE FOR EXPORT PURPOSES; PROVIDING PENALTIES FOR CREDIT GAMBLING AND UNDERAGE GAMBLING VIOLATIONS; REVISING SHAKE-A-DAY PROVISIONS; CLARIFYING PROVISIONS REGARDING THE GRANTING OF CERTAIN GAMBLING PERMITS TO PERSONS WITHOUT ON-PREMISES CONSUMPTION ALCOHOLIC BEVERAGES LICENSES; REVISING CARD GAME TOURNAMENT PROVISIONS; LIMITING THE PAYOUT ON CERTAIN PROMOTIONAL GAMES OF CHANCE; LIMITING SPORTS POOLS TO EVENTS INVOLVING NATURAL PERSONS; CREATING A DISTRIBUTOR'S LICENSE AND A ROUTE OPERATOR'S LICENSE; DEFINING ALLOWABLE COMPENSATION FOR ROUTE OPERATORS; ALLOWING THE SALE OF VIDEO GAMBLING MACHINES BY AN OPERATOR OR LIENHOLDER; REVISING CERTAIN PROVISIONS RELATING TO VIDEO GAMBLING MACHINES; EXPANDING COURT JURISDICTION OVER GAMBLING VIOLATIONS BY YOUTHS; REVISING AMUSEMENT GAME PROVISIONS; AMENDING SECTIONS 2-15-1021, 23-5-112, 23-5-136, 23-5-152, 23-5-157, 23-5-158, 23-5-160, 23-5-306, 23-5-312, 23-5-317, 23-5-412, 23-5-501, 23-5-602, 23-5-625, 23-5-631, 23-6-104, AND 41-5-203, MCA; AND PROVIDING AN APPLICABILITY PROVISION," with the attached amendments for the following reasons.

House Bill 411, by request of the Department of Justice, generally provides technical amendments to the state's gambling statutes. Since the Legislature's deliberations on the bill, Senator Fred Van Valkenburg has brought to my attention that certain casinos have recently been promoting and conducting raffles for individuals who cash their payroll checks on the premises. I believe that such a practice is inconsistent with the state's public policy concerning gambling.

The Legislature in 1989 declared as part of its purpose in regulating gambling the necessity to protect the welfare of all citizens of the state and to promote programs necessary to provide assistance to those who are adversely affected by legalized gambling, including compulsive gamblers and their families. The practice of offering workers a financial incentive if they cash their payroll checks in a gambling establishment is contrary to

April 20, 1993

this stated purpose. The sponsor, Representative Royal Johnson, and the Department of Justice agree. Therefore, I urge your consideration of an amendment that would prohibit such activities.

Sincerely,

MARC RACICOT  
Governor

GOVERNOR'S AMENDMENTS  
TO HOUSE BILL 411

1. Title, page 2, line 7.

Following: "."

Insert: "PROHIBITING CERTAIN PROMOTIONAL ACTIVITIES IN  
CONNECTION WITH THE CASHING OF PAYROLL CHECKS;"

2. Page 54, line 4.

Following: line 3

Insert: "NEW SECTION. Section 23. Payroll checks - promotional activities prohibited. A licensee may not offer financial incentives or conduct promotional games of chance in connection with an offer to cash payroll checks on the premises."

Renumber: subsequent sections

3. Page 54, line 5.

Following: "16."

Strike: "AND"

4. Page 54, line 6.

Following: "19"

Insert: ", and 23"

5. Page 54, line 9.

Strike: "AND"

Following: "19"

Insert: ", and 23"

The Honorable John Mercer  
Speaker of the House  
State Capitol  
Helena MT 59620

April 19, 1993

The Honorable Fred Van Valkenburg  
President of the Senate  
State Capitol  
Helena MT 59620

Dear Speaker Mercer and President Van Valkenburg:

In accordance with the power vested in me as Governor by the Constitution and laws of the State of Montana, I hereby return House Bill 431, "AN ACT REVISING THE BENEFIT PAID TO THE SURVIVING SPOUSE OF CERTAIN

MEMBERS OF THE MUNICIPAL POLICE OFFICERS' RETIREMENT SYSTEM; INCREASING EMPLOYER AND EMPLOYEE CONTRIBUTIONS TO FUND THE BENEFIT CHANGE; AMENDING SECTIONS 19-9-601, 19-9-703, 19-9-804, AND 19-9-911, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A RETROACTIVE APPLICABILITY DATE," with the attached amendment for the following reasons.

House bills 430 and 431 address retirement benefits for municipal police officers. Both bills were amended to change the funding sources for the benefit enhancements. As a result, the coordination instruction for HB 431 no longer reflects the increased contribution rates. The proposed amendment will result in a coordination instruction that reflects the costs of the two bills.

Sincerely,

MARC RACICOT  
Governor

GOVERNOR'S AMENDMENTS  
TO HOUSE BILL 431

1. Page 6, line 17.

Following: "If"

Insert: "both [this act] and"

2. Page 6, line 18.

Strike: "is"

Insert: "are"

3. Page 7, lines 13 through 17.

Strike: "THE on line 13 through 0.31%." on line 17

Insert: "(1) subsection (1) of 19-9-601 must read:

"(1) The normal contribution of each active member is ~~6%~~ 7.8% of ~~his~~ the member's monthly compensation. In the case of a member first employed by an employer as a police officer after June 30, 1975, the contribution is ~~7.2~~ 9% of ~~his~~ the member's monthly compensation. In the case of a member first employed by an employer as a police officer after June 30, 1979, the contribution is ~~8.7%~~ 10.5% of ~~his~~ the member's monthly compensation. Compensation excludes overtime payments, holiday payments, shift differential payments, compensation time payments, and payments in lieu of sick leave and annual leave, for ~~his~~ services as a police officer."; and

(2) 19-9-703 must read:

"19-9-703. Employer contribution. Each employer shall make its contribution on behalf of members through the city treasurer or other appropriate official out of ~~moneys~~ money available to the city for such purpose. The employer's contribution, which must be paid monthly to the administrator, is:

~~(1) 14.84% of the total monthly compensation paid to all active members during the preceding month before July 1, 1985;~~

~~(2) 13.02% of the total monthly compensation paid to all active members during the preceding month from July 1, 1985, through June 30, 1991; and~~

~~(3) 13.92%~~ 14.36% of the total monthly compensation paid to all active members during the preceding month after July 1, 1991 1993."

The Honorable John Mercer  
Speaker of the House  
State Capitol  
Helena MT 59620

April 19, 1993

The Honorable Fred Van Valkenburg  
President of the Senate  
State Capitol  
Helena MT 59620

Dear Speaker Mercer and President Van Valkenburg:

In accordance with the power vested in me as Governor by the Constitution and laws of the State of Montana, I hereby return House Bill 530, "AN ACT ALLOWING THE DEPARTMENT OF TRANSPORTATION TO ISSUE SPECIAL PERMITS FOR CERTAIN TRUCK-TRAILER-TRAILER VEHICLE COMBINATIONS THAT ARE NOT MORE THAN 95 FEET IN LENGTH; AMENDING SECTION 61-10-124, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE," with the attached amendments for the following reasons.

Upon effect of House Bill 530, vehicles known as truck-trailer-trailers will no longer be permitted to haul gravel on all routes used before July 1, 1987. The bill takes effect on passage and approval. The proposed amendment would change the date of effect to July 1, 1993, in order to allow the completion of most of the existing contracts which were entered into before the passage of this legislation.

I urge your approval of the proposed amendment.

Sincerely,

MARC RACICOT  
Governor

GOVERNOR'S AMENDMENTS  
TO HOUSE BILL 530

1. Title, line 16.

Strike: "IMMEDIATE"

2. Page 9, line 3.

Strike: "ON PASSAGE AND APPROVAL"

Insert: "July 1, 1993"



Representative Grinde moved the House recess until 8:45 a.m. Motion carried.

House recessed at 8:10 a.m.

House reconvened at 8:47 a.m. Mr. Speaker in the Chair.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative L. Nelson in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

Representative Bird excused at this time.

**HB 685** - Representative Grady moved Senate amendments to HB 685 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Cobb, DeBruycker, Ellis, Ewer, Fagg, Feland, Fisher, Foster, Gilbert, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kasten, Keller, Knox, Mason, McCarthy, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Peck, Peterson, Rehbein, J. Rice, Rose, Sayles, Simon, Simpkins, Spring, Stovall, Strizich, Tash, Toole, Tunby, Vogel, Wagner, Winslow, Wiseman, Zook, Mr. Speaker.  
Total 59

Noes: Bardanouve, Barnett, Barnhart, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Endy, Galvin, Gervais, Hansen, Harrington, Larson, McCaffree, McCulloch, Pavlovich, Quilici, Raney, Ream, S. Rice, Russell, Ryan, Schwinden, Schye, Smith, Squires, Stanford, Swanson, Tuss, Wallin, Wanzenried, Whalen, Wyatt.  
Total 39

Voted Absentee: Bird, Aye; S. Rice, No.

Excused: None.  
Total 0

Absent or not voting: Harper, Kadas.  
Total 2

**HJR 33** - Representative Grimes moved HJR 33 do pass. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott,

Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Tunby, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 92

Noes: DeBruycker, Feland, Hansen, Toole, Tuss.

Total 5

Voted Absentee: Bird, Aye.

Excused: S. Rice.

Total 1

Absent or not voting: Harper, Kadas.

Total 2

**SJR 31** - Representative Cocchiarella moved SJR 31 be concurred in. Motion carried as follows:

Ayes: Bachini, Bardanouve, Barnhart, Benedict, Bergman, Bird, Brooke, Brown, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Endy, Fisher, Galvin, Gervais, Hansen, Harper, Harrington, Hibbard, J. Johnson, R. Johnson, Kadas, Knox, Larson, McCaffree, McCarthy, McCulloch, Menahan, Molnar, L. Nelson, Pavlovich, Peck, Quilici, Raney, Ream, J. Rice, Ryan, Schwinden, Schye, Stanford, Strizich, Swanson, Tunby, Tuss, Wagner, Wanzenried, Winslow, Wyatt.

Total 53

Noes: Anderson, Barnett, Bergsagel, Boharski, Bohlinger, Brandewie, Clark, DeBruycker, Ellis, Fagg, Feland, Foster, Gilbert, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Herron, Kasten, Keller, Mason, Mills, T. Nelson, Orr, Peterson, Rehbein, Rose, Sayles, Simon, Simpkins, Smith, Spring, Squires, Stovall, Tash, Toole, Vogel, Wallin, Whalen, Wiseman, Zook, Mr. Speaker.

Total 44

Voted Absentee: Bird, Aye.

Excused: S. Rice.

Total 1

Absent or not voting: Ewer, Russell.

Total 2

**SB 15** - Representative J. Rice moved the free conference committee report to SB 15 be adopted. Motion carried as follows:

Ayes: Bachini, Bardanouve, Barnhart, Bergsagel, Bird, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Foster, Galvin, Gervais, Gilbert, Grady, Grinde, Hansen, M. Hanson, Harper, Harrington, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Larson, McCaffree, McCarthy, McCulloch, Menahan, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Quilici, Raney, Ream, J. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Squires, Stanford, Stovall, Strizich, Swanson, Toole, Tunby, Tuss, Vogel, Wagner, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 77

Noes: Anderson, Barnett, Benedict, Bergman, Boharski, DeBruycker, Feland, Fisher, Grimes, H.S. Hanson, Hayne, Kasten, Keller, Knox, Mason, Mills, Peterson, Rehbein, Smith, Spring, Tash, Wallin.

Total 22

Voted Absentee: Bird, Aye.

Excused: S. Rice.

Total 1

Absent or not voting: None.

Total 0

**SB 98** - Representative Grinde moved the free conference committee report to SB 98 be adopted. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 95

Noes: Boharski, DeBruycker, Dowell, Fisher.

Total 4

Voted Absentee: Bird, Aye.

Excused: S. Rice.

Total 1

Absent or not voting: None.

Total 0

**SB 252** - Representative R. Johnson moved the free conference committee report to SB 252 be adopted. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Clark, Cobb, Daily, Davis, DeBruycker, Dolezal, Ellis, Endy, Fagg, Feland, Fisher, Foster, Galvin, Gilbert, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harrington, Hayne, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Quilici, Raney, Ream, J. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Vogel, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook.  
Total 80

Noes: Barnhart, Bergsagel, Brown, Cocchiarella, Dowell, Elliott, Ewer, Harper, Herron, McCaffree, Peck, Peterson, Rehbein, Tuss, Wagner.  
Total 15

Voted Absentee: Bird, Aye.

Excused: S. Rice.  
Total 1

Absent or not voting: Driscoll, Gervais, Grady, Mr. Speaker.  
Total 4

**SB 311** - Representative Bergsagel moved the free conference committee report to SB 311 be adopted. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 93

Noes: DeBruycker, Dowell, Stanford.  
Total 3

Voted Absentee: Bird, Aye.

Excused: S. Rice.  
Total 1

Absent or not voting: Harrington, Squires, Wanzenried.



Total 3

**SB 362** - Representative Brandewie moved the free conference committee report to SB 362 be adopted. Motion carried as follows:

Ayes: Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, J. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 93

Noes: Anderson, Bergsagel, DeBruycker, Kasten, Peterson.

Total 5

Voted Absentee: Bird, Aye.

Excused: S. Rice.

Total 1

Absent or not voting: Vogel.

Total 1

**SB 255** - Representative McCaffree moved SB 255, third reading copy, be amended (amendment #1). Amendment #1 failed as follows: (46-50)

Representative Bird present at this time.

Representative Wanzenried moved SB 255 be concurred in. Motion carried as follows:

Ayes: Barnhart, Benedict, Bird, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Endy, Ewer, Fagg, Feland, Fisher, Galvin, Gervais, Gilbert, Grady, Grinde, Hansen, M. Hanson, Harrington, Hibbard, J. Johnson, R. Johnson, Keller, Knox, Larson, McCarthy, McCulloch, Menahan, Pavlovich, Quilici, Ream, J. Rice, Rose, Russell, Ryan, Simon, Simpkins, Squires, Stanford, Strizich, Swanson, Tunby, Vogel, Wanzenried, Whalen, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 55

Noes: Anderson, Bachini, Bardanouve, Barnett, Bergman, Bergsagel, Boharski, Bohlinger, Brandewie, Cobb, DeBruycker, Elliott, Ellis, Foster, Grimes, H.S. Hanson, Harper, Hayne, Herron, Kadas, Kasten, Mason, McCaffree, Mills, Molnar, L. Nelson, T. Nelson, Orr, Peck, Peterson, Raney, Rehbein, Sayles, Schwinden, Schye, Smith, Spring, Stovall, Toole, Tuss, Wagner, Wallin, Winslow.

Total 43

Excused: S. Rice.

Total 1

Absent or not voting: Tash.

Total 1

Representative Grinde moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman L. Nelson moved the adoption of the committee report. Report adopted. (78-16)

### **REPORTS OF STANDING COMMITTEES**

**BILLS (Hayne, Chairman):**

Examined by the sponsor and found to be correct:

4/16/93

HB 9 - Bergsagel  
HB 11 - R. Johnson  
HB 167 - Brandewie  
HB 181 - Barnett  
HB 193 - Tuss  
HB 196 - Driscoll  
HB 220 - Simon  
HB 273 - Dolezal  
HB 303 - S. Rice  
HB 314 - Raney  
HB 330 - Bird  
HB 333 - Cobb  
HB 388 - Gilbert  
HB 402 - Strizich  
HB 413 - Quilici  
HB 430 - Strizich  
HB 436 - T. Nelson  
HB 463 - Boharski  
HB 482 - Bohlinger  
HB 483 - Toole  
HB 505 - Cocchiarella  
HB 516 - DeBruycker  
HB 519 - Barnhart  
HB 529 - Strizich  
HB 539 - Brown  
HB 555 - Pavlovich  
HB 559 - Anderson  
HB 579 - Russell  
HB 587 - Harper  
HB 588 - Tunby  
HB 601 - Schye  
HB 639 - Driscoll  
HB 640 - Driscoll  
HB 642 - Raney  
HB 652 - Larson  
HB 655 - Simon

HB 660 - Peterson

HJR 19 - Boharski

HJR 24 - Hibbard

Signed by the Speaker at 5:00 p.m., 4/19/93: SB 169, SB 192, SB 373,  
SB 427, SB 428.

Signed by the Speaker at 1:30 p.m., 4/20/93: HB 671.

NATURAL RESOURCES (Knox, Chairman):

4/20/93

**SB 196**, third reading copy, be concurred in. Report adopted.

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 688**, Senate amendments, concurred in as follows:

Ayes: Anderson, Bachini, Barnett, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brown, Clark, Cobb, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Ellis, Endy, Fagg, Feland, Fisher, Foster, Gilbert, Grady, Grimes, Grinde, H.S. Hanson, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kasten, Keller, Knox, Larson, Mason, McCarthy, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Peterson, Quilici, Rehbein, J. Rice, Rose, Ryan, Sayles, Simon, Simpkins, Smith, Spring, Stovall, Strizich, Tash, Tunby, Vogel, Wagner, Wallin, Wanzenried, Winslow, Wiseman, Zook, Mr. Speaker.

Total 70

Noes: Bardanouve, Barnhart, Bergsagel, Brooke, Cocchiarella, Elliott, Ewer, Galvin, Gervais, Hansen, M. Hanson, Harper, Kadas, McCaffree, McCulloch, Peck, Raney, Ream, Russell, Schwinden, Schye, Squires, Stanford, Swanson, Toole, Tuss, Whalen, Wyatt.

Total 28

Excused: S. Rice.

Total 1

Absent or not voting: Pavlovich.

Total 1

**SB 121**, Governor's amendments, concurred in as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson,

Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 96

Noes: Bergsagel, DeBruycker, Molnar.  
Total 3

Excused: S. Rice.  
Total 1

Absent or not voting: None.  
Total 0

**SJR 28** concurred in as follows:

Ayes: Anderson, Bachini, Bardanoue, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Galvin, Gervais, Grady, Grimes, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, J. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Wallin, Wanzenried, Whalen, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 86

Noes: Bergsagel, DeBruycker, Feland, Fisher, Foster, Gilbert, Grinde, Herron, Peterson, Spring, Vogel, Wagner, Winslow.  
Total 13

Excused: S. Rice.  
Total 1

Absent or not voting: None.  
Total 0

**SJR 33** concurred in as follows:

Ayes: Anderson, Bardanoue, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Foster, Galvin, Gervais, Grady, Grimes, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Quilici, Raney, Ream, J. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 85



Noes: Bachini, Barnett, Bergsagel, DeBruycker, Feland, Fisher, Gilbert, Grinde, Hayne, Herron, Knox, Peck, Peterson, Rehbein.

Total 14

Excused: S. Rice.

Total 1

Absent or not voting: None.

Total 0

**HB 190**, conference committee report, adopted as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Quilici, Ream, Rehbein, J. Rice, Rose, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 93

Noes: Bergsagel, Feland, Harper, Peterson, Raney, Russell.

Total 6

Excused: S. Rice.

Total 1

Absent or not voting: None.

Total 0

**HB 287**, conference committee report, adopted as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 94

Noes: Bergsagel, Kasten, Toole, Whalen.

Total 4

Excused: S. Rice.

Total 1

Absent or not voting: Peck.

Total 1

**HB 548**, conference committee report, adopted as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bird, Bohlinger, Brandewie, Brooke, Clark, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Mills, Molnar, T. Nelson, Orr, Pavlovich, Peck, Quilici, Raney, Ream, J. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wallin, Wanzenried, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 84

Noes: Bergman, Bergsagel, Boharski, Brown, Cobb, DeBruycker, Hayne, Kasten, Menahan, L. Nelson, Peterson, Rehbein, Spring, Wagner, Whalen.

Total 15

Excused: S. Rice.

Total 1

Absent or not voting: None.

Total 0

**HB 46**, Senate amendments, concurred in as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 95

Noes: Bergsagel, Cobb, DeBruycker, Spring.

Total 4

Excused: S. Rice.

Total 1

Absent or not voting: None.

Total 0

**HB 427**, Senate amendments, concurred in as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Benedict, Bergman, Bergsagel, Boharski, Bohlinger, Brandewie, Clark, Cobb, DeBruycker, Ellis, Fagg, Feland, Fisher, Foster, Gilbert, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kasten, Keller, Knox, Mason, Mills, Molnar, L. Nelson, T. Nelson, Orr, Peck, Peterson, Rehbein, J. Rice, Rose, Sayles, Simon, Simpkins, Smith, Spring, Stovall, Tash, Tunby, Vogel, Wagner, Wallin, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 59

Noes: Barnhart, Bird, Brooke, Brown, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Endy, Ewer, Galvin, Gervais, Hansen, Harper, Harrington, Kadas, Larson, McCaffree, McCarthy, McCulloch, Menahan, Pavlovich, Quilici, Raney, Ream, Russell, Ryan, Schwinden, Schye, Squires, Stanford, Strizich, Swanson, Toole, Tuss, Wanzenried, Whalen.

Total 40

Excused: S. Rice.

Total 1

Absent or not voting: None.

Total 0

**HB 405**, conference committee report, adopted as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, H.S. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 96

Noes: None.

Total 0

Excused: S. Rice.

Total 1

Absent or not voting: Hansen, M. Hanson, Tuss.

Total 3

**HB 581**, conference committee report, adopted as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hibbard, J. Johnson, Kadas, Keller, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Quilici, Raney, Ream, J. Rice, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Smith, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 84

Noes: Bergsagel, DeBruycker, Fisher, Hayne, Herron, R. Johnson, Kasten, Knox, Mills, Peterson, Rehbein, Rose, Simpkins, Spring, Vogel.  
Total 15

Excused: S. Rice.  
Total 1

Absent or not voting: None.  
Total 0

### MOTIONS

Representative Stovall moved the rules be suspended to permit the late drafting and introduction of a bill. Motion carried.

Representative Mills moved he be allowed to change his vote on SB 15, second reading, from no to aye. Motion carried.

Representative Grinde moved the Speaker be authorized to appoint a conference committee to meet with a like committee from the Senate to confer on House amendments to SB 354. Motion carried.

Mr. Speaker appointed the following members:

Representative Simon, Chairman  
Representative Brandewie  
Representative Pavlovich

Representative Grinde moved the House dissolve the conference committee on House amendments to SB 14 and the Speaker be authorized to appoint a free conference committee to meet with a like committee from the Senate to confer on SB 14. Motion carried.

Mr. Speaker appointed the following members:

Representative Clark, Chairman  
Representative Ryan  
Representative Smith



Representative Grinde moved the House recess until 1:30 p.m. Motion carried.

House recessed at 10:08 a.m.

House reconvened at 1:30 p.m. Mr. Speaker in the Chair.

Representative Hansen excused at this time.

### REPORTS OF STANDING COMMITTEES

BILLS (Hayne, Chairman): 4/20/93

Correctly printed for second reading: HJR 33.

Correctly enrolled: HB 9, HB 11, HB 167, HB 181, HB 193, HB 196, HB 220, HB 273, HB 303, HB 314, HB 330, HB 333, HB 388, HB 402, HB 413, HB 430, HB 436, HB 463, HB 482, HB 483, HB 505, HB 516, HB 519, HB 522, HB 529, HB 539, HB 555, HB 559, HB 579, HB 587, HB 588, HB 601, HB 639, HB 640, HB 642, HB 652, HB 655, HB 660, HB 671, HJR 19, HJR 24.

Examined by the sponsor and found to be correct:

HB 522 - Squires

HB 671 - Gilbert

Signed by the Speaker at 11:30 a.m., 4/20/93: HB 9, HB 181, HB 196, HB 303, HB 314, HB 330, HB 388, HB 402, HB 413, HB 430, HB 436, HB 463, HB 482, HB 529, HB 539, HB 559, HB 579, HB 587, HB 601, HB 639, HB 640, HB 652, HB 655, HB 660, HJR 24.

Delivered to the Governor for his approval at 10:15 a.m., 4/20/93: HB 49, HB 157, HB 169, HB 608, HB 668.

LOCAL GOVERNMENT (Wallin, Chairman): 4/20/93

**SB 426**, third reading copy, be amended as follows:

1. Page 1.

Following: line 11

Insert:

#### "STATEMENT OF INTENT

A statement of intent is necessary for this bill because the bill contains provisions that are curative in nature. It is the intent of the legislature that except as otherwise provided in this bill or clearly articulated in bond resolutions passed by counties, cities, and towns, rural special improvement and special improvement district revolving funds created under Title 7, chapter 12, to secure bonds and warrants issued prior to the [effective date of this act] will loan funds to the districts in the event of deficiencies within a rural improvement district fund or special improvement district fund. The loans are subject to the limitations contained in the bond resolutions and Title 7, chapter 12. The obligation to loan funds is limited by the duration specified in this bill."

2. Page 2, line 9.

Strike: "(3)"

Insert: "(2)"

3. Page 2, line 23 through page 3, line 2.

Strike: subsection (2) in its entirety

Renumber: subsequent subsections

4. Page 3, lines 20 through 25.

Following: "(4)" on line 20

Strike: the remainder of subsection (4)

Insert: "The funding of a revolving fund under 7-12-2181 through 7-12-2185, any loan made from the revolving fund to a district fund, or any rural special improvement district bonds do not constitute indebtedness of the county within the meaning of any general, special, or local law."

5. Page 6, line 8 and page 13, line 2.

Following: "~~undertake~~"

Insert: "as the board may so agree to and undertake"

6. Page 6, line 14.

Following: "7-12-2183"

Strike: "(3)"

7. Page 9, lines 1 and 2.

Strike: "FOR AN IMPROVEMENT DISTRICT THAT HAS NOT BEEN SUBJECT TO SUBDIVISION REVIEW"

Insert: "if, on the date of issuance of the bond or warrant, the improvement district includes property that was divided after [the effective date of this act] without the division being reviewed and approved as a subdivision"

8. Page 9, line 24.

Strike: "(3)"

Insert: "(2)"

9. Page 10, lines 13 through 17.

Strike: subsection (2) in its entirety

Renumber: subsequent subsections

10. Page 11, lines 16 through 21.

Following: "(4)" on line 16

Strike: the remainder of subsection (4)

Insert: "The funding of a revolving fund under 7-12-4221 through 7-12-4225, any loan made from the revolving fund to a district fund, or any special improvement district bonds do not constitute indebtedness of the city or town within the meaning of any general, special, or local law."

11. Page 13, line 9.

Following: "7-12-4223"

Strike: "(3)"

12. Page 15, lines 20 and 21.

Strike: "FOR AN IMPROVEMENT DISTRICT THAT HAS NOT BEEN SUBJECT TO SUBDIVISION REVIEW"

Insert: "if, on the date of issuance of the bond or warrant, the improvement district includes property that was divided after [the effective date of this act] without the division being reviewed and approved as a subdivision"

13. Page 16, line 6.

Strike: "(5)"

Insert: "(4)"

14. Page 16, lines 9 and 10.

Strike: "whether the bonds or warrants were issued before or after [the effective date of this act]"

15. Page 17, lines 3 through 6.

Strike: subsection (5) in its entirety

16. Page 17, line 10.

Strike: "REMEDIAL"

Insert: "curative"

And, as amended, be concurred in. Report adopted.

### REPORTS OF SELECT COMMITTEES

Conference Committee  
on House Bill 453  
Report No. 1, April 20, 1993

Mr. Speaker and Mr. President:

We, your Conference Committee on House Bill 453, met and considered:

1. Select Worker Compensation Committee amendments of April 6, 1993 and recommend that House Bill 453 (reference copy -- salmon) be amended as follows:

1. Adopt the Select Worker Compensation amendments of April 6, 1993.

And that this Conference Committee report be adopted.

For the House:

For the Senate:

Hibbard, Chairman  
Winslow  
Squires

Forrester, Chairman  
Towe  
Keating

### MESSAGES FROM THE SENATE

House bill concurred in and returned to the House:

4/20/93

**HB 671**, introduced by Gilbert

**MESSAGES FROM THE GOVERNOR**

The Honorable John Mercer  
Speaker of the House  
State Capitol  
Helena, Montana 59620

April 20, 1993

Dear Representative Mercer:

Please be informed that I have signed House Bill 151 on April 20, 1993.

Sincerely,

MARC RACICOT  
Governor

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 685**, Senate amendments, concurred in as follows:

Ayes: Anderson, Bachini, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brown, Clark, Cobb, DeBruycker, Ellis, Ewer, Fagg, Feland, Fisher, Foster, Gervais, Gilbert, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Mason, McCarthy, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Peterson, Rehbein, J. Rice, Rose, Sayies, Simon, Simpkins, Spring, Stovall, Strizich, Tash, Toole, Tunby, Vogel, Wagner, Winslow, Wiseman, Zook, Mr. Speaker.  
Total 60

Noes: Bardanouve, Barnett, Barnhart, Brooke, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Endy, Galvin, Hansen, Harper, Harrington, Larson, McCaffree, McCulloch, Pavlovich, Peck, Quilici, Raney, Ream, S. Rice, Russell, Ryan, Schwinden, Schye, Smith, Squires, Stanford, Swanson, Tuss, Wallin, Wanzenried, Whalen, Wyatt.  
Total 38

Voted Absentee: Hansen, S. Rice, Noes.

Excused: None.  
Total 0

Absent or not voting: Brandewie, Hayne.  
Total 2

**SB 15**, free conference committee report, adopted as follows:

Ayes: Bachini, Bardanouve, Barnhart, Bergsagel, Bird, Bohlinger, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Endy, Ewer, Fagg, Galvin, Gervais, Gilbert, Grady, Grinde, Hansen, M. Hanson, Harper, Harrington, Herron, Hibbard, J. Johnson, R. Johnson,



Kadas, Keller, Larson, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Quilici, Raney, Ream, J. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Simon, Simpkins, Smith, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wanzenried, Whalen, Winslow, Wyatt, Zook, Mr. Speaker.  
Total 76

Noes: Anderson, Barnett, Benedict, Bergman, Boharski, DeBruycker, Ellis, Feland, Fisher, Foster, Grimes, H.S. Hanson, Hayne, Kasten, Knox, Mason, Peterson, Rehbein, Spring, Wallin, Wiseman.  
Total 21

Voted Absentee: Hansen, Aye.

Excused: S. Rice.  
Total 1

Absent or not voting: Brandewie, Schye.  
Total 2

**SB 98**, free conference committee report, adopted as follows:

Ayes: Anderson, Bachini, Bardanoue, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, Dolezal, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 94

Noes: Barnett, Bergsagel, Cobb, DeBruycker, Dowell.  
Total 5

Voted Absentee: Hansen, Aye.

Excused: S. Rice.  
Total 1

Absent or not voting: None.  
Total 0

**SB 252**, free conference committee report, adopted as follows:

Ayes: Bachini, Bardanoue, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Cobb, Daily, Davis, DeBruycker, Dolezal, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gilbert, Grady, Grimes, Hansen, H.S. Hanson, M. Hanson, Harrington, Hayne, Hibbard, J. Johnson, R. Johnson, Keller, Knox, Larson, Mason, McCarthy, McCulloch,

April 20, 1993

Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Quilici, Raney, Ream, J. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Vogel, Wallin, Wanzenried, Whalen, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 75

Noes: Anderson, Barnett, Barnhart, Bergsagel, Brown, Cocchiarella, Dowell, Driscoll, Gervais, Grinde, Harper, Herron, Kadas, Kasten, McCaffree, Peck, Peterson, Rehbein, Smith, Spring, Tuss, Wagner, Winslow.

Total 23

Voted Absentee: Hansen, Aye.

Excused: S. Rice.

Total 1

Absent or not voting: Clark.

Total 1

**SB 311**, free conference committee report, adopted as follows:

Ayes: Anderson, Bachini, Bardanoue, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, J. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 97

Noes: DeBruycker, Rehbein.

Total 2

Voted Absentee: Hansen, Aye.

Excused: S. Rice.

Total 1

Absent or not voting: None.

Total 0

**SB 362**, free conference committee report, adopted as follows:

Ayes: Anderson, Bachini, Bardanoue, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron,

Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Quilici, Raney, Ream, J. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 92

Noes: Barnett, Bergsagel, DeBruycker, Kasten, Peterson, Rehbein, Spring.  
Total 7

Voted Absentee: Hansen, Aye.

Excused: S. Rice.  
Total 1

Absent or not voting: None.  
Total 0

### **MOTIONS**

Representative Clark moved he be allowed to change his vote on HB 685, third reading, from aye to no. Motion carried.

Representative Brandewie moved he be allowed to change his vote on HB 685, third reading, from absent to aye. Motion carried.

Representative Gervais moved he be allowed to change his vote on HB 685, third reading, from aye to no. Motion carried.

Representative Grinde moved the House dissolve the conference committee on HB 495 and the Speaker be authorized to appoint a free conference committee to meet with a like committee from the Senate to confer on HB 495. Motion carried.

Mr. Speaker appointed the following members:

Representative Vogel, Chairman  
Representative Wagner  
Representative Elliott

### **ANNOUNCEMENTS**

Committee meetings were announced by committee chairmen.

Representative Grinde moved the House adjourn until 8:00 a.m., Wednesday, April 21, 1993. Motion carried.

House adjourned at 1:47 p.m.

John Mercer, Speaker

Marilyn Miller, Chief Clerk

## EIGHTY-EIGHTH LEGISLATIVE DAY

Helena, Montana  
April 21, 1993

House Chambers  
State Capitol

House convened at 8:00 a.m. Mr. Speaker in the Chair. Invocation by Representative Hibbard. Pledge of Allegiance to the Flag.

Roll call. All members present. Quorum present.

Mr. Speaker: We, your committee on Legislative Administration/Bills and Journal, having examined the daily journal for the eighty-third legislative day, find the same to be correct.

Harriet Hayne, Chairman

### MESSAGES FROM THE SENATE

House bill concurred in and returned to the House: 4/20/93

**HB 692**, introduced by Wanzenried

House amendments to Senate bills concurred in: 4/20/93

**SB 118**, introduced by Towe

**SB 368**, introduced by Doherty

**SB 401**, introduced by McClerman

Governor's amendments concurred in: 4/20/93

**SB 71**, introduced by Towe

**SB 347**, introduced by Harp

Conference committee report #1 adopted: 4/20/93

**HB 405**, introduced by Fisher

Free conference committee report #1 adopted: 4/20/93

**SB 15**, introduced by Blaylock

**SB 98**, introduced by Rea

**SB 362**, introduced by Bianchi

### FIRST READING AND COMMITMENT OF BILLS AND RESOLUTIONS

The following House bill was introduced, read first time, and referred to committee:

**HB 693**, introduced by Stovall, Russell, Gervais, T. Nelson, Tunby, Brandewie, Tash, Winslow, Orr, DeBruycker, Zook, Towe, referred to Committee on Judiciary

The following Senate joint resolution was introduced, read first time, and referred to committee:



**SJR 34**, introduced by Eck, Swanson, Fritz, Bianchi, Barnhart, Tuss, Wiseman, Grimes, Hibbard, Foster, referred to Committee on Natural Resources

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Molnar in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**SB 426** - Representative Ewer moved consideration of SB 426 be passed for the day. Motion carried.

**SB 196** - Representative L. Nelson moved SB 196 be concurred in.

Representative Harper made a substitute motion to revert to the body of the bill for the purpose of amendment. Motion carried.

Representative Harper moved SB 196, third reading copy, be amended (amendment #1). Amendment #1 failed as follows: (40-60)

Representative L. Nelson moved her original motion that SB 196 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Barnett, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brown, Clark, Cobb, Daily, DeBruycker, Driscoll, Elliott, Ellis, Endy, Feland, Fisher, Foster, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kasten, Keller, Knox, Mason, McCaffree, McCarthy, Menahan, Mills, L. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Rehbein, Rose, Sayles, Schwinden, Simon, Simpkins, Smith, Spring, Stovall, Tash, Tunby, Vogel, Wagner, Wallin, Winslow, Wiseman, Zook, Mr. Speaker.  
Total 66

Noes: Bardanouve, Barnhart, Brooke, Cocchiarella, Davis, Dolezal, Dowell, Ewer, Fagg, Galvin, Gervais, Harper, Harrington, Kadas, Larson, McCulloch, T. Nelson, Raney, Ream, J. Rice, S. Rice, Russell, Ryan, Schye, Squires, Stanford, Strizich, Swanson, Toole, Tuss, Wanzenried, Whalen, Wyatt.  
Total 33

Excused: None.  
Total 0

Absent or not voting: Molnar.  
Total 1

Representative Grinde moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. House resumed. Mr.

April 21, 1993

Speaker in the Chair. Chairman Molnar moved the adoption of the committee report. Report adopted. (72-26)

### THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HJR 33** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Tunby, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 94

Noes: DeBruycker, Toole, Tuss.

Total 3

Excused: None.

Total 0

Absent or not voting: Ewer, Mason, Schwinden.

Total 3

**SJR 31** concurred in as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnhart, Benedict, Bird, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Grady, Grimes, Grinde, Hansen, H.S. Hanson, Harper, Harrington, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Pavlovich, Peck, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schye, Simon, Simpkins, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Tunby, Tuss, Vogel, Wagner, Wanzenried, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 79

Noes: Barnett, Bergman, Bergsagel, Boharski, DeBruycker, Ellis, Feland, Gilbert, M. Hanson, Hayne, Herron, Kasten, Larson, Orr, Peterson, Rehbein, Smith, Toole, Wallin, Whalen.

Total 20

Excused: None.

Total 0

Absent or not voting: Schwinden.

Total 1

**SB 255** not concurred in as follows:

Ayes: Bird, Bohlinger, Brown, Clark, Cocchiarella, Daily, Davis, Driscoll, Endy, Fagg, Feland, Galvin, Gilbert, Grady, Grinde, Hansen, M. Hanson, Harrington, Hibbard, R. Johnson, Keller, Knox, Larson, McCarthy, Menahan, Molnar, Pavlovich, Quilici, Ream, J. Rice, Ryan, Simon, Simpkins, Smith, Squires, Swanson, Tunby, Vogel, Wanzenried, Whalen, Mr. Speaker.

Total 41

Noes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Boharski, Brandewie, Brooke, Cobb, DeBruycker, Dolezal, Dowell, Elliott, Ellis, Fisher, Foster, Gervais, Grimes, H.S. Hanson, Harper, Hayne, Herron, J. Johnson, Kadas, Kasten, Mason, McCaffree, McCulloch, Mills, L. Nelson, T. Nelson, Orr, Peck, Peterson, Raney, Rehbein, Rose, Russell, Sayles, Schye, Spring, Stanford, Stovall, Strizich, Toole, Tuss, Wagner, Wallin, Winslow, Wiseman, Wyatt, Zook.

Total 55

Excused: None.

Total 0

Absent or not voting: Ewer, S. Rice, Schwinden, Tash.

Total 4

### REPORTS OF SELECT COMMITTEES

Free Conference Committee  
on House Bill 622  
Report No. 1, April 20, 1993

Mr. Speaker and Mr. President:

We, your Free Conference Committee, met and considered House Bill 622 and recommend as follows:

1. Title, page 2, line 8.

Following: "DEPARTMENT,"

Insert: "REQUIRING INSURERS TO NOTIFY EMPLOYERS OF REOPENED CLAIMS;"

2. Title, page 2, line 14.

Following: "39-71-701,"

Insert: "39-71-702,"

3. Page 27, lines 7 and 8.

Following: "RESTRICTION" on line 7

Strike: the remainder of line 7 through "FINDINGS," on line 8

April 21, 1993

4. Page 31, lines 6 and 7.

Following: "OF" on line 6

Strike: the remainder of line 6 through "PLAN" on line 7

Insert: "calculating rates for a policyholder"

5. Page 55, line 8.

Following: "receipt"

Insert: "-- notice of benefits and entitlements to claimants"

Following: "denial"

Insert: "-- notice of reopening"

6. Page 55, line 21.

Following: "(3)"

Insert: "Each insurer under plan No. 2 or No. 3 for the payment of workers' compensation benefits shall notify the employer of the reopening of the claim within 14 days of the reopening of a claim for the purpose of paying compensation benefits.

(4)"

7. Page 62, line 11.

Strike: "injury or death"

Insert: "accident"

8. Page 62, line 21.

Following: "a"

Insert: "cause that is the"

Following: "leading"

Strike: "factor"

Insert: "cause"

9. Page 62, line 22.

Strike: "factors"

Insert: "causes"

10. Page 62, line 23.

Following: line 22

Insert: "Section 27. Section 39-71-702, MCA, is amended to read:

"39-71-702. Compensation for permanent total disability.

(1) If a worker is no longer temporarily totally disabled and is permanently totally disabled, as defined in 39-71-116, the worker is eligible for permanent total disability benefits. Permanent total disability benefits must be paid for the duration of the worker's permanent total disability, subject to 39-71-710.

(2) The determination of permanent total disability must be supported by a preponderance of medical evidence.

(3) Weekly compensation benefits for an injury resulting in permanent total disability ~~shall be~~ are 66 2/3% of the wages received at the time of the injury. The maximum weekly compensation benefits ~~shall~~ may not exceed the state's average weekly wage at the time of injury.

(4) In cases where it is determined that periodic disability benefits granted by the Social Security Act are payable because of the injury, the weekly benefits payable under this section are



reduced, but not below zero, by an amount equal, as nearly as practical, to one-half the federal periodic benefits for such the week, which amount is to be calculated from the date of the disability social security entitlement.

(5) A worker's benefit amount must be adjusted for a cost-of-living increase on the next July 1 after 104 weeks of permanent total disability benefits have been paid and on each succeeding July 1. A worker may not receive more than 10 such adjustments. The adjustment must be the percentage increase, if any, in the state's average weekly wage as adopted by the department over the state's average weekly wage adopted for the previous year or 3%, whichever is less.

~~(6) Notwithstanding subsection (3), beginning July 1, 1987, through June 30, 1991, the maximum weekly compensation benefits for permanent total disability may not exceed the state's average weekly wage of \$299 established July 1, 1986. If the claimant is awarded social security benefits, the insurer may, upon notification of the claimant's receipt of social security benefits, suspend biweekly compensation benefits for a period sufficient to recover any resulting overpayment of benefits. This subsection does not prevent a claimant and insurer from agreeing to a repayment plan."~~

Renumber: subsequent sections

And that this Free Conference Committee report be adopted.

For the House:

For the Senate:

Hibbard, Chairman  
Benedict  
Ewer

Lynch, Chairman  
Harp  
Wilson

Representative Grinde moved the House recess until 10:00 a.m. Motion carried.

House recessed at 8:57 a.m.

House reconvened at 10:00 a.m. Mr. Speaker in the Chair.

Conference Committee  
on House Bill 92  
Report No. 1, April 20, 1993

Mr. Speaker and Mr. President:

We, your Conference Committee on House Bill 92, met and considered:

1. Senate Taxation Committee amendments dated April 12, 1993 and recommend that House Bill 92 (reference copy -- salmon) be amended as follows:

1. Page 4, lines 7 and 8.

Following: "GOVERNMENT" on line 7

Strike: remainder of line 7 through "THAT" on line 8  
Insert: "on the reservation whose government"

2. Page 6, line 23.  
Following: "expenses;"  
Strike: "AND"

3. Page 7, line 7.  
Following: line 6  
Insert: "(f) a statement that the state or a public agency and the tribal government will cooperate to collect only one tax and will share or refund the revenue as specified in the agreement;  
(g) a statement that a taxpayer may not be required to pay both the state tax and the tribal tax but shall pay only one tax to one government in an amount established in the agreement; and"  
Renumber: subsequent subsection

And that this Conference Committee report be adopted.

For the House:	For the Senate:
Tunby, Chairman	Yellowtail, Chairman
Gervais	Stang
Foster	Gage

Conference Committee  
on House Bill 591  
Report No. 1, April 21, 1993

Mr. Speaker and Mr. President:

We, your Conference Committee on House Bill 591, met and considered:

1. Senate Taxation Committee amendments dated April 14, 1993 and recommend that House Bill 591 (reference copy -- salmon) be amended as follows:

1. Accept the Senate Taxation Committee amendments of April 14, 1993

And that this Conference Committee report be adopted.

For the House:	For the Senate:
Wallin, Chairman	Van Valkenburg, Chairman
R. Johnson	Blaylock
Galvin	Brown

Conference Committee  
on House Bill 645  
Report No. 1, April 21, 1993

Mr. Speaker and Mr. President:

We, your Conference Committee on House Bill 645, met and considered:

1. Senate Taxation Committee Amendments of April 2, 1993 and recommend that House Bill 645 (reference copy -- salmon) be amended as follows:

1. Reject the Senate Taxation Committee amendments of April 2, 1993

And that this Conference Committee report be adopted.

For the House:

Grimes  
Schye

For the Senate:

Weeding, Chairman  
Eck

Free Conference Committee  
on House Bill 6  
Report No. 1, April 21, 1993

Mr. Speaker and Mr. President:

We, your Free Conference Committee, met and considered House Bill 6 and recommend that House Bill 6 (reference copy -- salmon) be amended as follows:

1. Title, line 25.

Following: "DATES"

Strike: "AND A TERMINATION DATE"

2. Page 20, line 9.

Strike: "-- TERMINATION"

3. Page 20, lines 12 and 13.

Following: "1993"

Strike: ", AND TERMINATE JUNE 30, 1995"

And that this Free Conference Committee report be adopted.

For the House:

Grady, Chairman  
DeBruycker  
Bachini

For the Senate:

Hockett, Chairman  
Vaughn  
Harding

Free Conference Committee  
on House Bill 121  
Report No. 1, April 20, 1993

Mr. Speaker and Mr. President:

We, your Free Conference Committee, met and considered House Bill 121 and recommend as follows:

1. Adopt the Senate Judiciary Committee amendments dated March 29, 1993.
2. Adopt the Senate Committee of the Whole amendment of Sen. Grosfield, dated March 31, 1993 at 11:05 a.m.

And that this Free Conference Committee report be adopted.

For the House:

Fagg, Chairman  
Tash  
Harper

For the Senate:

Doherty, Chairman  
Yellowtail  
Grosfield

Free Conference Committee  
on House Bill 335  
Report No. 1, April 20, 1993

Mr. Speaker and Mr. President:

We, your Free Conference Committee, met and considered House Bill 335 and recommend as follows:

1. Title, page 2, line 4.  
Strike: "40-5-118,"

2. Page 15, line 4 through page 16, line 20.  
Strike: section 8 in its entirety  
Re-number: subsequent sections

3. Page 30, line 7.  
Following: "obligee"  
Strike: remainder of line 7 through "assistance"

4. Page 46, line 6.  
Strike: "26"  
Insert: "25"

5. Page 63, line 20 through page 65, line 17.  
Strike: subsections (6)(a) through (7)(c) in their entirety  
Insert: "(7) A support lien is perfected:

(a) as to real property, upon filing a notice of support lien with the clerk of the district court in the county or counties in which the real property is or may be located at the time of filing or at any time in the future;

(b) as to motor vehicles or other items for which a certificate of ownership is issued by the department of justice, upon filing a notice of support lien with the department of justice in accordance with the provisions of Titles 23 and 61;

(c) as to all other personal property, upon filing a notice of support lien in the place required to perfect a security interest under 30-9-401. The county clerk and recorder or the secretary of state, as appropriate, shall cause the notice of support lien to be



marked, held, and indexed as if the notice of support lien were a financing statement within the meaning of the Uniform Commercial Code.

(8) A buyer for value of an obligor's personal property, other than motor vehicles and other items for which a certificate of ownership is issued by the department of justice, who buys in good faith and without knowledge of the support lien takes the property free of the support lien."

Renumber: subsequent subsections

6. Page 66, line 4.

Strike: "(8)"

Insert: "(9)"

7. Page 67, lines 11 and 14.

Strike: "25 AND 26"

Insert: "24 and 25"

8. Page 67, lines 15 and 18.

Strike: "27"

Insert: "26"

And that this Free Conference Committee report be adopted.

For the House:

Smith, Chairman  
Bohlinger  
Toole

For the Senate:

Bartlett, Chairman  
Doherty  
Harp

Free Conference Committee  
on House Bill 442  
Report No. 1, April 20, 1993

Mr. Speaker and Mr. President:

We, your Free Conference Committee, met and considered House Bill 442 and recommend as follows:

1. Page 17, line 12.

Strike: "shall"

Insert: "may"

2. Page 17, line 21.

Following: the second "for"

Insert: "minor amendments and"

3. Page 17, line 23.

Strike: "a complete"

Insert: "an"

4. Page 21, lines 20 through 23.

Strike: section 9 in its entirety

And that this Free Conference Committee report be adopted.

For the House:

Knox, Chairman  
Gilbert  
Bird

For the Senate:

Bianchi, Chairman  
Weeding  
Swift

### MOTIONS

Representative Grinde moved the rules be suspended so that the House may reconsider its action on SB 235 and SB 289 and place them back on second and third readings this legislative day.

Representative Whalen requested the motion be divided.

Mr. Speaker moved the House reconsider its action on SB 289 and place it back on second and third readings this legislative day. Motion carried. (86-14)

Mr. Speaker moved the House reconsider its action on SB 235 and place it back on second and third readings this legislative day. Motion failed. (64-36) [Requires two-thirds vote.]

Representative Grinde moved the House dissolve the conference committee on Senate amendments to HB 643 and the Speaker be authorized to appoint a free conference committee to meet with a like committee from the Senate to confer on HB 643. Motion carried.

Mr. Speaker appointed the following members:

Representative Foster, Chairman  
Representative Gilbert  
Representative Swanson

Representative Grinde moved the Speaker be authorized to appoint a conference committee to meet with a like committee from the Senate to confer on House amendments to SB 87. Motion carried.

Mr. Speaker appointed the following members:

Representative J. Rice, Chairman  
Representative Harper  
Representative Hibbard

Representative Grinde moved SB 426 be placed back on second reading. Motion carried.

Representative Grinde moved the House recess until 1:30 p.m. Motion carried.

House recessed at 10:11 a.m.

House reconvened at 1:30 p.m. Mr. Speaker in the Chair.

### REPORTS OF STANDING COMMITTEES

BILLS (Hayne, Chairman):

4/21/93

Correctly engrossed for third reading: HJR 33, SB 255, SJR 31.

Correctly enrolled: HB 7, HB 350, HB 585, HB 593, HB 666, HB 680, HB 687, HB 690, HB 691, HJR 18, HJR 25, HJR 26.

Signed by the Speaker at 12:00 p.m., 4/20/93: HB 220, HB 522.

Signed by the Speaker at 3:00 p.m., 4/20/93: HB 11, HB 167, HB 193, HB 273, HB 333, HB 483, HB 505, HB 516, HB 519, HB 555, HB 588, HB 642, HJR 19.

Delivered to the Governor for his approval at 1:40 p.m., 4/20/93: HB 671.

Delivered to the Governor for his approval at 3:30 p.m., 4/20/93: HB 220, HB 522, HB 567.

Delivered to the Governor for his approval at 12:45 p.m., 4/21/93: HB 10, HB 12, HB 17, HB 233, HB 308, HB 318, HB 367, HB 374, HB 375, HB 382, HB 419, HB 422, HB 511, HB 532, HB 537, HB 563, HB 654, HB 663, HB 674.

Examined by the sponsor and found to be correct:

HB 7 - Bergsagel

HB 350 - Mason

HB 585 - Cocchiarella

HB 593 - Schye

HB 666 - Wanzenried

HB 680 - Ream

HB 687 - Elliott

HB 690 - Wiseman

HB 691 - Cobb

HJR 18 - S. Rice

HJR 25 - Fisher

HJR 26 - Bachini

### REPORTS OF SELECT COMMITTEES

Conference Committee

on Senate Bill 23

Report No. 1, April 20, 1993

Mr. President and Mr. Speaker:

We, your Conference Committee on Senate Bill 23, met and considered: House amendments to Senate Bill 23. We recommend that Senate Bill 23 (reference copy - salmon) be amended as follows:

1. Page 5.

Following: line 24

Insert: "(c) If an interview with the child is recorded, either by means of videotape or audiotape, unless there are extenuating circumstances that prevent the presence of a third party, a third party, in addition to the social worker, county attorney, or peace officer conducting the interview, must be present during the

interview. The third party may be the child's guardian ad litem if one has been appointed."

Renumber: subsequent subsection

And that this Conference Committee report be adopted.

For the Senate:

Halligan, Chairman  
Aklestad  
Bartlett

For the House:

Fagg, Chairman  
S. Rice  
Smith

Conference Committee  
on Senate Bill 108  
Report No. 1, April 20, 1993

Mr. President and Mr. Speaker:

We, your Conference Committee on Senate Bill 108, met and considered: House amendments to Senate Bill 108. We recommend that Senate Bill 108 (reference copy - salmon) be amended as follows:

1. Page 2, lines 12 through 19.  
Strike: subsection (4) in its entirety

And that this Conference Committee report be adopted.

For the Senate:

Halligan, Chairman  
Gage  
Towe

For the House:

Vogel, Chairman  
Brooke  
Tash

Conference Committee  
on Senate Bill 285  
Report No. 1, April 19, 1993

Mr. President and Mr. Speaker:

We, your Conference Committee on Senate Bill 285, met and considered: House amendments to Senate Bill 285. We recommend that Senate Bill 285 (reference copy - salmon) be amended as follows:

1. Page 7, lines 9 and 10.  
Strike: "SIMILAR TO THE CERTIFICATE OF NEED SYSTEM BY WHICH"  
Insert: "to control"  
Strike: "ARE CONTROLLED"

2. Page 7, lines 16 through 21.  
Strike: subsection (F) in its entirety

3. Page 15, lines 19 and 20.



Strike: "EACH STATEWIDE PLAN MUST INCLUDE INCENTIVES FOR MARKET CONTROL."

4. Page 17, lines 14 and 15.

Strike: "PROVIDE MARKET CONTROL,"

5. Page 17, line 22.

Strike: "(P) INCENTIVES FOR MARKET CONTROL;"

Renumber: subsequent subsections

6. Page 19, line 9.

Strike: "AND AN INDIVIDUAL'S CHOICE OF SERVICES"

7. Page 40, line 8.

Following: "INSURANCE,"

Insert: "excluding"

8. Page 46, line 20.

Strike: "that"

Insert: "are considered one employer if they:  
(a)"

9. Page 46, line 21.

Strike: "or that"

Insert: "; (b)"

10. Page 46, line 22.

Following: "OR"

Insert: "(a)"

Following: "taxation"

Insert: ";

Strike: "THAT"

Insert: ": (c)"

11. Page 46, line 23.

Following: "THAT"

Insert: ": (i)"

12. Page 46, line 24.

Following: "36]"

Insert: ";

(b) does not deny coverage to any member of its association  
or any employee of its members who applies for coverage as part of  
a group;"

Following: "AND"

Insert: "(c)"

Strike: "AND THAT"

Insert: "; (ii)"

13. Page 47, line 1.

Strike: "are considered one employer"

Insert: "; and

(iii) does not deny coverage to any member of its association or any employee of its members who applies for coverage as part of a group"

And that this Conference Committee report be adopted.

For the Senate:

For the House:

Franklin, Chairman  
Brown  
Eck

Simon, Chairman  
T. Nelson  
S. Rice

Conference Committee  
on Senate Bill 354  
Report No. 1, April 20, 1993

Mr. President and Mr. Speaker:

We, your Conference Committee on Senate Bill 354, met and considered: House amendments to Senate Bill 354. We recommend that Senate Bill 354 (reference copy - salmon) be amended as follows:

Adopt the amendments of House Business and Economic Development committee in the report dated April 7, 1993.

And that this Conference Committee report be adopted.

For the Senate:

For the House:

Christiaens, Chairman  
Brenden  
Bruski-Maus

Simon, Chairman  
Brandewie  
Pavlovich

Free Conference Committee  
on Senate Bill 14  
Report No. 2, April 21, 1993

Mr. President and Mr. Speaker:

We, your Free Conference Committee on Senate Bill 14, met and considered: Senate Bill 14 in its entirety. We recommend that Senate Bill No. 14 (reference copy - ivory) be amended as follows:

1. Title, line 7.

Strike: "A FAMILY MEMBER OR"

2. Page 1, line 21.

Strike: ", FAMILY MEMBER,"

Following: "person"

Insert: "an"

Following: "ADULT"

Strike: "1"

And that this Free Conference Committee report be adopted.

For the Sepate:

For the House:

Pipinich, Chairman  
Forrester  
Swift

Clark, Chairman  
Ryan  
Smith

### MESSAGES FROM THE GOVERNOR

The Honorable John Mercer  
Speaker of the House  
State Capitol  
Helena, Montana 59620

April 21, 1993

Dear Representative Mercer:

Please be informed that I have signed House Bills 23, 67, 124, 128, 134, 149, 168, 221, 235, 258, 299, 339, 365, 393, 409, 429, 433, 485, 545, 564, 613, 619, and 641 on April 21, 1993.

Sincerely,

MARC RACICOT  
Governor

The Honorable Fred Van Valkenburg  
President of the Senate  
State Capitol  
Helena MT 59620

April 20, 1993

The Honorable John Mercer  
Speaker of the House  
State Capitol  
Helena MT 59620

Dear President Van Valkenburg and Speaker Mercer:

In accordance with the power vested in me as Governor by the Constitution and laws of the State of Montana, I hereby veto Senate Bill 339, "AN ACT PROVIDING FOR A LOCAL REFERENDUM ON THE LICENSING OF A MEGALANDFILL OR COMMERCIAL DANGEROUS WASTE INCINERATION FACILITY; AMENDING SECTIONS 75-2-211, 75-2-215, 75-10-922, 75-10-929, AND 75-10-935, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

Senate Bill 339 amends the Megalandfill Siting Act passed by the 1991 Legislature and provides an opportunity for public involvement through a local referendum on the licensing of a megalandfill or commercial dangerous waste incineration facility. Its purpose is laudatory and commendable. Its practical effect, however, will be to create additional administrative expense and time delays associated with special elections and potential litigation surrounding those elections and siting decisions.

The right to public participation in siting decisions is already clearly and specifically guaranteed by the Megalandfill Siting Act pursuant to section 75-10-926, MCA. Siting decisions are required to be made only after an extensive scientific analysis, public hearing and specific findings that comply with the Siting Act. SB 339 would add the results of a public referendum to the list of criteria to be considered by the Department of Health and Environmental Sciences in its siting decisions. That same measurement can be made by the Department through the public hearing process presently provided by law.

Sincerely,

MARC RACICOT  
Governor

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Molnar in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

Representative J. Rice assumed the Chair at this time.

**HB 453** - Representative Molnar moved the conference committee report to HB 453 be adopted. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 99

Noes: Bergsagel.  
Total 1

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0



Representative Molnar resumed the Chair at this time.

**SB 426** - Representative Ewer moved SB 426 be concurred in.

Representative Harper made a substitute motion to revert to the body of the bill for the purpose of amendment. Motion carried.

Representative Harper moved SB 426, third reading copy, be amended (amendment #1). Amendment #1 failed as follows: (31-69)

After a lengthy debate, Representative Gilbert moved for cloture on SB 426. Motion carried.

Representative Ewer moved his original motion that SB 426 be concurred in. Motion failed as follows:

Ayes: Brooke, Brown, Cobb, Cocchiarella, Daily, Davis, Dowell, Ewer, Hansen, Harper, Harrington, Herron, Kadas, Larson, Molnar, Raney, Ream, J. Rice, S. Rice, Ryan, Sayles, Schye, Spring, Strizich, Swanson, Tuss, Vogel, Wallin, Wanzenried, Wiseman, Mr. Speaker.  
Total 31

Noes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Clark, DeBruycker, Dolezal, Driscoll, Elliott, Ellis, Endy, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Hibbard, J. Johnson, R. Johnson, Kasten, Keller, Knox, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Rehbein, Rose, Russell, Schwinden, Simon, Simpkins, Smith, Squires, Stanford, Stovall, Tash, Toole, Tunby, Wagner, Whalen, Winslow, Wyatt, Zook.  
Total 69

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

Representative Grinde moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman Molnar moved the adoption of the committee report. Report adopted. (88-9)

### MOTIONS

Representative Grinde moved the rules be suspended to allow the House to reconsider its action on SB 235. Motion carried.

### REPORTS OF STANDING COMMITTEES

BILLS (Hayne, Chairman):  
Examined by the sponsor and found to be correct:

4/21/93

HB 3 - Cobb  
HB 145 - Cobb  
HB 327 - McCaffree  
HB 372 - S. Rice  
HB 469 - Cocchiarella  
HB 517 - Harper  
HB 616 - Driscoll  
HB 651 - Wanzonried  
HB 673 - Menahan  
HB 679 - Clark

Signed by the Speaker at 12:00 p.m., 4/21/93: HB 7, HB 350, HB 585, HB 593, HB 666, HB 680, HB 687, HB 690, HB 691, HJR 18, HJR 25, HJR 26.

### **MOTIONS**

Representative Grinde moved the House dissolve the conference committee on HB 198 and the Speaker be authorized to appoint a free conference committee to meet with a like committee from the Senate to confer on HB 198. Motion carried.

Mr. Speaker appointed the following members:

Representative Peterson, Chairman  
Representative Simpkins  
Representative Peck

Representative Grinde moved the Speaker be authorized to appoint a conference committee to meet with a like committee from the Senate to confer on House amendments to SB 271. Motion carried.

Mr. Speaker appointed the following members:

Representative Simpkins, Chairman  
Representative Strizich  
Representative Smith

Representative Grinde moved the House reconsider its action on SB 235 and place it on second and third reading this legislative day. Motion carried.

Representative Grinde moved the House recess until 3:30 p.m. Motion carried.

House recessed at 2:55 p.m.

House reconvened at 3:32 p.m. Mr. Speaker in the Chair.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Gilbert in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**SB 235** - Representative Boharski moved SB 235, second reading - second House copy, be amended (amendment #1). Amendment #1 failed as follows: (43-54)

Representative Hibbard moved SB 235, second reading - second House copy, be amended (amendment #2). Amendment #2 failed as follows: (34-64)

Representative Raney moved SB 235, second reading - second House copy, be amended as follows (amendment #3):

1. Page 69, line 1.  
Strike: "\$15,000"  
Insert: "\$20,000"

Amendment #3 passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 93

Noes: Clark, Feland, Gilbert, Rehbein.

Total 4

Excused: None.

Total 0

Absent or not voting: Benedict, Kasten, Winslow.

Total 3

Representative Brown moved SB 235, second reading - second House copy, be further amended as follows (amendment #4):

1. Strip Rep. Brown Committee of the Whole Amendment dated April 12, 1993, at 4:16 p.m.
2. Page 28, line 19.  
Strike: "-- printed material"
3. Page 28, lines 20 through 22.  
Following: "services."  
Strike: subsection (1) in its entirety
4. Page 28, line 23.  
Strike: "(2)"

Amendment #4 passed as follows:

Ayes: Anderson, Bachini, Bardanoue, Barnhart, Bird, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Galvin, Gervais, Gilbert, Grimes, Hansen, H.S. Hanson, Harper, Harrington, Hayne, J. Johnson, R. Johnson, Kadas, Kasten, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Toole, Tunby, Tuss, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 78

Noes: Barnett, Bergman, Bergsagel, Boharski, Bohlinger, DeBruycker, Foster, Grady, Grinde, M. Hanson, Herron, Hibbard, Keller, Mills, Molnar, Peterson, Rehbein, Tash, Vogel, Wagner, Wallin.  
Total 21

Excused: None.  
Total 0

Absent or not voting: Benedict.  
Total 1

Representative Simpkins moved SB 235, second reading - second House copy, be further amended (amendment #5). Amendment #5 failed as follows: (25-74)

Representative Bardanoue moved SB 235, second reading - second House copy, be further amended as follows (amendment #6):

1. Page 60, line 17.  
Following: "~~and~~"  
Insert: "and"
2. Page 60, lines 18 through 21.  
Strike: subsection (B) in its entirety  
Renumber: subsequent subsections



3. Page 60, line 23.

Strike: "SUBSECTIONS"

Insert: "subsection"

4. Page 60, line 24.

Strike: "AND (1)(B)"

5. Page 271, lines 5 through 18.

Strike: section 184 in its entirety

Renumber: subsequent sections

Amendment #6 passed as follows:

Ayes: Bachini, Bardanoue, Barnhart, Bohlinger, Brandewie, Brooke, Brown, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Endy, Ewer, Fagg, Galvin, Gervais, Hansen, Harper, Harrington, J. Johnson, R. Johnson, Kadas, McCaffree, McCarthy, McCulloch, Menahan, L. Nelson, Pavlovich, Peck, Quilici, Raney, Ream, J. Rice, Rose, Russell, Ryan, Schwinden, Squires, Stanford, Strizich, Swanson, Toole, Tunby, Tuss, Wanzenried, Whalen, Winslow, Wyatt, Mr. Speaker.

Total 51

Noes: Anderson, Barnett, Benedict, Bergman, Bergsagel, Bird, Boharski, Clark, Cobb, Cocchiarella, DeBruycker, Ellis, Feland, Fisher, Foster, Gilbert, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Herron, Hibbard, Kasten, Keller, Knox, Larson, Mason, Mills, Molnar, T. Nelson, Orr, Peterson, Rehbein, Sayles, Schye, Simon, Simpkins, Smith, Spring, Stovall, Tash, Vogel, Wagner, Wallin, Wiseman, Zook.

Total 48

Excused: None.

Total 0

Absent or not voting: S. Rice.

Total 1

Representative Winslow moved SB 235, second reading - second House copy, be further amended as follows (amendment #7):

1. Page 2.

Following: line 15

Insert: "In consideration of the legislative action on the sales tax, it is the intent of the legislature to provide a comprehensive sales tax reform package that brings balance to the Montana tax structure and makes Montana competitive with other states.

In recognition of the uncertainty of the fiscal impact of a 4% sales tax, it is the intent of the legislature that all funds not appropriated or in excess of estimates be used exclusively for reductions in property and income taxes.

The priority for use of any excess funds will be:

(1) reduction of statewide mill levies used for school equalization; and

(2) reduction of the flat rate percentage of the income tax from 6%."

2. Page 60, line 17.

Following: "~~and~~"

Insert: "and"

3. Page 60, lines 18 through 21.

Strike: subsection (B) in its entirety

Renumber: subsequent subsection

4. Page 60, line 23.

Strike: "SUBSECTIONS"

Insert: "subsection"

5. Page 60, line 24.

Strike: "AND (1)(B)"

6. Page 61, line 4.

Strike: "(1)(C)"

Insert: "(1)(b)"

7. Page 61.

Following: line 14

Insert: "(c) For the fiscal year ending June 30, 1994, only \$57 million may be distributed from the sales tax and use tax account, and for the fiscal year ending June 30, 1995, only \$250 million may be distributed from the sales tax and use tax account. Any amount in excess of those amounts for each fiscal year must remain in the account to be used by the 54th legislature for the reduction of statewide mill levies used for school equalization and the reduction of the flat rate percentage of the income tax from 6%."

8. Page 271, lines 5 through 18.

Strike: section 184 in its entirety

Renumber: subsequent sections

Amendment #7 passed as follows:

Ayes: Anderson, Barnett, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brown, Clark, Cobb, DeBruycker, Ellis, Feland, Fisher, Foster, Gilbert, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Herron, Kasten, Keller, Knox, Mason, Mills, Molnar, L. Nelson, T. Nelson, Orr, Peterson, Rehbein, Rose, Sayles, Simon, Simpkins, Smith, Spring, Stovall, Tash, Vogel, Wagner, Wallin, Winslow, Wiseman, Zook.  
Total 50

Noes: Bachini, Bardanouve, Barnhart, Brooke, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Endy, Ewer, Fagg, Galvin, Gervais, Harper, Harrington, Hibbard, J. Johnson, R. Johnson, Kadas, Larson, McCaffree, McCarthy, McCulloch, Menahan, Pavlovich, Peck, Quilici, Raney, Ream, J. Rice, S. Rice, Russell, Ryan, Schwinden, Schye, Squires, Stanford, Strizich, Swanson, Toole, Tunby, Tuss, Wanzenried, Whalen, Wyatt, Mr. Speaker.

Total 49

Excused: None.

Total 0

Absent or not voting: Hansen.

Total 1

Representative Peterson moved SB 235, second reading - second House copy, be further amended (amendment #8). Amendment #8 failed as follows: (43-57)

Representative Cobb moved SB 235, second reading - second House copy, be further amended (amendment #9). Amendment #9 failed as follows: (45-53)

Representative Cobb moved SB 235, second reading - second House copy, be further amended (amendment #10). Amendment #10 failed as follows: (47-51)

Representative Cobb moved SB 235, second reading - second House copy, be further amended (amendment #11). Amendment #11 failed as follows: (48-52)

Representative Cobb moved SB 235, second reading - second House copy, be further amended (amendment #12). Amendment #12 failed as follows: (34-65)

Representative Cobb moved SB 235, second reading - second House copy, be further amended (amendment #13). Amendment #13 failed as follows: (44-56)

Representative Molnar moved SB 235, second reading - second House copy, be further amended (amendment #14). Amendment #14 failed as follows: (48-51)

Representative Toole moved SB 235, second reading - second House copy, be further amended (amendment #15).

Representative Toole withdrew his amendment (amendment #15).

Mr. Speaker moved SB 235, as amended, be concurred in.

After a lengthy debate, Representative Pavlovich moved for cloture on SB 235. Motion carried.

Mr. Speaker moved his original motion that SB 235, as amended, be concurred in. Motion failed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Bergman, Bergsagel, Bohlinger, Brandewie, Cocchiarella, DeBruycker, Dowell, Ellis, Fagg, Fisher, Foster, Grinde, H.S. Hanson, M. Hanson, Harper, Hayne, J. Johnson, R. Johnson, Kadas, Keller, Knox, Larson, McCaffree, Mills, T.

Nelson, Peck, Raney, Ream, J. Rice, S. Rice, Rose, Sayles, Schye, Simpkins, Stovall, Strizich, Tash, Toole, Tunby, Vogel, Wagner, Wallin, Winslow, Zook, Mr. Speaker.

Total 50

Noes: Benedict, Bird, Boharski, Brooke, Brown, Clark, Cobb, Daily, Davis, Dolezal, Driscoll, Elliott, Endy, Ewer, Feland, Galvin, Gervais, Gilbert, Grady, Grimes, Hansen, Harrington, Herron, Hibbard, Kasten, Mason, McCarthy, McCulloch, Menahan, Molnar, L. Nelson, Orr, Pavlovich, Peterson, Quilici, Rehbein, Russell, Ryan, Schwinden, Simon, Smith, Spring, Squires, Stanford, Swanson, Tuss, Wanzenried, Whalen, Wiseman, Wyatt.

Total 50

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Mr. Speaker moved the House reconsider its action on SB 235 taken this legislative day. Motion carried. (56-44)

Mr. Speaker moved SB 235, as amended, be concurred in.

After a lengthy debate, Representative Driscoll moved for cloture on SB 235. Motion carried.

Thereupon, motion that SB 235, as amended, be concurred in carried as follows:

Ayes: Anderson, Bachini, Bardanoue, Barnett, Barnhart, Bergman, Bergsagel, Bird, Bohlinger, Brandewie, Clark, Cocchiarella, DeBruycker, Dowell, Ellis, Fagg, Fisher, Foster, Grinde, H.S. Hanson, M. Hanson, Harper, Hayne, J. Johnson, R. Johnson, Kadas, Keller, Larson, McCaffree, Mills, T. Nelson, Peck, Raney, Ream, J. Rice, S. Rice, Rose, Sayles, Schye, Simpkins, Stovall, Strizich, Tash, Toole, Tunby, Vogel, Wagner, Wallin, Winslow, Zook, Mr. Speaker.

Total 51

Noes: Benedict, Boharski, Brooke, Brown, Cobb, Daily, Davis, Dolezal, Driscoll, Elliott, Endy, Ewer, Feland, Galvin, Gervais, Gilbert, Grady, Grimes, Hansen, Harrington, Herron, Hibbard, Kasten, Knox, Mason, McCarthy, McCulloch, Menahan, Molnar, L. Nelson, Orr, Pavlovich, Peterson, Quilici, Rehbein, Russell, Ryan, Schwinden, Simon, Smith, Spring, Squires, Stanford, Swanson, Tuss, Wanzenried, Whalen, Wiseman, Wyatt.

Total 49

Excused: None.

Total 0

Absent or not voting: None.



Total 0

**SB 289** - Mr. Speaker moved SB 289 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Clark, Davis, DeBruycker, Dowell, Ellis, Fagg, Fisher, Foster, Grimes, Grinde, H.S. Hanson, M. Hanson, Harper, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCarthy, McCulloch, Mills, Molnar, L. Nelson, T. Nelson, Orr, Peck, Peterson, Quilici, Rehbein, J. Rice, S. Rice, Rose, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 74

Noes: Brooke, Brown, Cobb, Cocchiarella, Daily, Dolezal, Driscoll, Elliott, Endy, Ewer, Feland, Galvin, Gervais, Gilbert, Grady, Hansen, Harrington, McCaffree, Menahan, Pavlovich, Raney, Ream, Russell, Strizich, Swanson, Whalen.

Total 26

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Grinde moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman Gilbert moved the adoption of the committee report. Report adopted. (53-46)

### MOTIONS

Representative Grinde moved consideration of SB 289 be placed at the top of the third reading board. Motion carried.

### THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**SB 289** concurred in as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Clark, Davis, DeBruycker, Dowell, Elliott, Ellis, Fagg, Feland, Fisher, Foster, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kasten, Keller, Knox, Larson, Mason, McCulloch, Mills, Molnar, L. Nelson, T. Nelson, Orr, Peck, Peterson, Rehbein, J. Rice, S. Rice, Rose, Ryan, Sayles, Schwinden, Simon, Simpkins, Smith, Spring, Squires,

April 21, 1993

Stanford, Stovall, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 71

Noes: Brooke, Brown, Cobb, Cocchiarella, Daily, Dolezal, Driscoll, Endy, Ewer, Galvin, Gervais, Gilbert, Grady, Hansen, Harper, Harrington, Kadas, McCaffree, McCarthy, Menahan, Pavlovich, Quilici, Raney, Ream, Russell, Schye, Strizich, Swanson, Whalen.  
Total 29

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**SB 235** concurred in as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Bohlinger, Brandewie, Clark, Cocchiarella, DeBruycker, Dowell, Ellis, Fagg, Fisher, Foster, Grinde, H.S. Hanson, M. Hanson, Harper, Hayne, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Larson, McCaffree, Mills, T. Nelson, Peck, Raney, Ream, J. Rice, S. Rice, Rose, Sayles, Schye, Simpkins, Stovall, Strizich, Tash, Toole, Tunby, Vogel, Wagner, Wallin, Winslow, Zook, Mr. Speaker.  
Total 53

Noes: Boharski, Brooke, Brown, Cobb, Daily, Davis, Dolezal, Driscoll, Elliott, Endy, Ewer, Feland, Galvin, Gervais, Gilbert, Grady, Grimes, Hansen, Harrington, Herron, Kasten, Knox, Mason, McCarthy, McCulloch, Menahan, Molnar, L. Nelson, Orr, Pavlovich, Peterson, Quilici, Rehbein, Russell, Ryan, Schwinden, Simon, Smith, Spring, Squires, Stanford, Swanson, Tuss, Wanzenried, Whalen, Wiseman, Wyatt.  
Total 47

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

### MOTIONS

Representative Hibbard moved he be allowed to change his vote on SB 235, third reading, from aye to no. Motion carried.

Representative Molnar moved he be allowed to change his vote on SB 196, second reading, from absent to aye. Motion carried.

Representative Benedict moved he be allowed to change his vote on SB 235, third reading, from aye to no. Motion failed.

Representative Benedict moved the House reconsider its action on SB 235 taken on third reading this legislative day. Motion failed. (45-54)

Representative Simpkins moved the rules be suspended so that Representative Benedict be allowed to change his vote on SB 235 on third reading. Motion carried.

Representative Benedict moved he be allowed to change his vote on SB 235, third reading, from aye to no. Motion carried.

### REPORTS OF STANDING COMMITTEES

BILLS (Hayne, Chairman):

4/21/93

Correctly engrossed for third reading: SB 196.

Correctly enrolled: HB 3, HB 145, HB 327, HB 372, HB 469, HB 517,  
HB 616, HB 651, HB 673, HB 679.

Delivered to the Secretary of State at 2:30 p.m., 4/20/93: HJR 13, HJR 17.

Delivered to the Secretary of State at 2:45 p.m., 4/21/93: HJR 14, HJR 15.

### MESSAGES FROM THE SENATE

House joint resolution concurred in as amended and returned to the House for concurrence in Senate amendments:

4/21/93

**HJR 29**, introduced by Dolezal

### MESSAGES FROM THE GOVERNOR

The Honorable John Mercer  
Speaker of the House  
State Capitol  
Helena MT 59620

April 21, 1993

The Honorable Fred Van Valkenburg  
President of the Senate  
State Capitol  
Helena MT 59620

Dear Speaker Mercer and President Van Valkenburg:

In accordance with the power vested in me as Governor by the Constitution and laws of the State of Montana, I hereby return House Bill 567, "AN ACT ESTABLISHING ADDITIONAL REQUIREMENTS FOR AN AIR QUALITY PERMIT FOR COMMERCIAL MEDICAL WASTE AND COMMERCIAL HAZARDOUS WASTE INCINERATORS; REQUIRING THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES TO ADOPT RULES; COORDINATING THE PERMITTING PROCESS FOR AIR QUALITY AND SOLID WASTE PERMITS; REQUIRING A DISCLOSURE STATEMENT; ESTABLISHING CRITERIA FOR THE DENIAL OR MODIFICATION OF A PERMIT; AMENDING SECTIONS 75-2-103, 75-2-211, and 75-2-215, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A RETROACTIVE APPLICABILITY DATE," with the attached amendments for the following reasons.

House Bill 567 originally established additional air quality permit requirements for commercial medical waste incinerators. The bill was amended late in the legislative session to apply as well to commercial hazardous waste incinerators (including boilers and industrial furnaces). As a result, there are a series of "technical" amendments which the Montana Department of Health has drafted that are necessary to integrate the requirements of House Bill 567 into the permitting authority that presently exists under the Clean Air Act. The bill's sponsor, Representative Foster, is in agreement with these amendments, and I urge your acceptance of them.

Sincerely,

MARC RACICOT  
Governor

GOVERNOR'S AMENDMENTS  
TO HOUSE BILL 567

1. Title, line 7.

Strike: "DEPARTMENT"

Insert: "BOARD"

2. Title, line 9.

Following: "SOLID"

Insert: "AND HAZARDOUS"

3. Title, line 11.

Strike: "MODIFICATION"

Insert: "ALTERATION"

4. Page 1, line 22.

Page 17, line 9.

Page 18, line 2.

Following: "dioxins"

Strike: "and"

Insert: ", "

Following: "furans"

Insert: ", heavy metals, and carcinogens"

5. Page 1, line 24.

Following: "WASTE"

Insert: "and must provide for the implementation of the additional permit requirements contained in 75-2-211, 75-2-215, and [sections 4 through 6], as well as the coordination of those requirements with the permitting requirements contained in 75-2-211 and 75-2-215"

6. Page 2, line 12.

Following: line 11

Insert: "The legislature has not provided for definitions of lowest achievable emission rate and best available control technology in this legislation. It is the intent of the legislature that these terms be construed and applied in a manner that is consistent with the



definitions contained in the federal Clean Air Act, 42 U.S.C. 7401, et seq. In adopting rules to implement this legislation, the Board shall include rules defining these terms."

7. Page 3, lines 12 and 13.

Strike: "(4)" through "(12)."

Re-number: subsequent subsections

8. Page 5, lines 4 through 19.

Strike: "(12)" through "rule."

Re-number: subsequent subsections

9. Page 12, lines 17 and 18.

Strike: "or" through "75-2-215"

10. Page 12, line 25.

Following: line 24

Insert: "(c) If an application for a permit is for the construction, installation, alteration, or use of a source that is also required to obtain a license pursuant to 75-10-221 or a permit pursuant to 75-10-406, the department shall act on the permit application within the time period provided for in 75-2-215(2)(e)."

11. Page 14, line 25.

Following: "(C)"

Insert: "if a license is required pursuant to 75-10-221 or a permit is required pursuant to 75-10-406,"

12. Page 15, lines 12 and 13.

Following: "DENY,"

Insert: "or"

Following: "ALTER"

Strike: ", OR REVISE"

Following: "75-2-211"

Insert: "and 75-2-215"

13. Page 15, line 15.

Following: "75-10-406"

Insert: "or within 90 days after the receipt of a complete application for a permit or a permit alteration under 75-2-211, 75-2-215, and this section, whichever is later"

14. Page 16, line 4.

Following: "dioxins"

Insert: ", "

15. Page 16, line 5.

Strike: "and"

Following: "furans"

Insert: ", heavy metals, and carcinogens"

16. Page 16, line 7.

Strike: "department"

Insert: "board"

17. Page 16, line 18.

Following: "dioxins"

Insert: ", "

Strike: "and"

18. Page 16, line 19.

Following: "furans"

Insert: ", heavy metals, and carcinogens"

19. Page 16, line 25.

Page 17, line 23.

Page 18, line 9.

Strike: "AND"

Following: "METALS"

Insert: ", and other carcinogens"

20. Page 17, line 4.

Strike: "and"

21. Page 17, line 13.

Strike: ". "

Insert: "; and"

22. Page 17, line 14.

Following: line 13

Insert: "(e) are necessary to implement the provisions of this section and to coordinate the requirements under this section with the requirements contained in 75-2-211 and 75-2-215."

23. Page 17, lines 14 and 15.

Following: "permit"

Insert: "or alteration"

Following: "75-2-211"

Insert: "and 75-2-215"

24. Page 17, line 19.

Following: ", "

Strike: "that relates to"

Insert: "and those studies that are necessary to identify the"

Following: "potential"

Strike: "worker and"

25. Page 17, line 25.

Strike: "workers and"

26. Page 18, line 3.

Strike: "both workers and"

27. Page 18, line 4.

Following: "issue"

Insert: "or alter"

28. Page 18, line 7.

Following: "(2)"

Insert: "and other necessary and relevant data"

29. Page 18, line 9.

Following: "appropriate"

Insert: "federal"

30. Page 18, line 11.

Following: "after"

Strike: "an evaluation"

Insert: "a review"

Following: "of"

Insert: "established and"

31. Page 18, line 13.

Following: line 12

Insert: "(4) This section may not be construed in any way to:

(a) require the board to promulgate standards for the allowable daily intake of any substances for which the federal government has not established standards;

(b) allow the board to promulgate standards for the allowable daily intake of any substances for which the federal government has established standards that are more stringent than the federal standards; or

(c) limit or otherwise impair the duty of the department under 75-2-215 to determine that emissions and ambient concentrations will constitute a negligible risk as required by 75-2-215(2)(d), including emissions and ambient concentrations of dioxins, furans, heavy metals, and carcinogens, before issuing an air quality permit pursuant to 75-2-211 and 75-2-215."

32. Page 18, line 16.

Strike: "renewed,"

Strike: "modified"

Insert: "altered"

Following: "75-2-211"

Insert: "and 75-2-215"

33. Page 18, line 18.

Strike: "renewal,"

34. Page 18, line 19.

Strike: "modification"

Insert: "alteration"

Following: "75-2-211"

Insert: "and 75-2-215"

35. Page 19, line 5.

Strike: "and"

36. Page 19, line 9.

Following: "application"

Insert: "; and

(d) a description of all judgments of criminal conviction entered against the applicant or a principal for the violation of an environmental protection law within 5 years before the date of the application in another state that resulted from the operation of a medical waste incinerator or a commercial hazardous waste incinerator. For the purposes of this subsection (d), an environmental protection law of another state means a law or administrative rule adopted pursuant to a law regulating solid or hazardous waste or underground storage tanks or protecting the air or water resource"

37. Page 19, line 22.

Strike: "renewal,"

38. Page 19, line 23.

Strike: "modification"

Insert: "alteration"

Following: "75-2-211"

Insert: "and 75-2-215"

39. Page 20, line 9.

Strike: "or"

40. Page 20, line 11.

Following: "laws"

Insert: "; or

(d) a judgment or criminal conviction for a violation described in [section 5(1)(d)] has been entered against the applicant or a principal"

41. Page 20, line 21.

Following: "laws"

Insert: "or violations described in [section 5(1)(d)]"

42. Page 21, line 18.

Following: "applicability."

Insert: "(1)"

43. Page 21, line 24.

Following: line 23

Insert: "(2) [This act] applies retroactively, within the meaning of 1-2-109, to all commercial hazardous waste incinerators that have applied for but not received by [the effective date of this act] a permit under Title 75, chapter 2, and a permit under 75-10-406."

### ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Representative Grinde moved the House adjourn until 8:00 a.m., Thursday, April 22, 1993. Motion carried.



HOUSE JOURNAL  
REGULAR SESSION

House adjourned at 6:18 p.m.

John Mercer, Speaker

Marilyn Miller, Chief Clerk

## EIGHTY-NINTH LEGISLATIVE DAY

Helena, Montana  
April 22, 1993

House Chambers  
State Capitol

House convened at 8:00 a.m. Mr. Speaker in the Chair. Invocation by Representative Bird. Pledge of Allegiance to the Flag.

Roll call. All members present. Quorum present.

Mr. Speaker: We, your committee on Legislative Administration/Bills and Journal, having examined the daily journals for the eighty-fourth and eighty-fifth legislative days, find the same to be correct.

Harriet Hayne, Chairman

### MESSAGES FROM THE SENATE

House Joint Resolutions concurred in and returned to the House:

4/21/93

**HJR 27**, introduced by McCarthy

**HJR 28**, introduced by Simon

**HJR 32**, introduced by Schwinden

Governor's amendments concurred in:

4/21/93

**HB 658**, introduced by Schwinden

Senate Joint Resolution passed and transmitted to the House for concurrence:

4/21/93

**SJR 34**, introduced by Eck

House amendments to Senate bills concurred in:

4/17/93

**SB 374**, introduced by Franklin

**SB 378**, introduced by Grosfield

**SB 379**, introduced by Doherty

**SB 424**, introduced by Blaylock

**SB 430**, introduced by Christiaens

**SB 438**, introduced by Stang

Senate bills returned as requested for further consideration:

4/21/89

**SB 235**, introduced by Crippen

**SB 289**, introduced by Crippen

Conference committee report #1 adopted:

4/17/93

**HB 142**, introduced by Anderson

Conference committee report #1 adopted:

4/22/93

**HB 92**, introduced by Tunby

**HB 219**, introduced by Gilbert

**HB 453**, introduced by Molnar

**HB 591**, introduced by Wallin

**HB 645**, introduced by Schye  
**SB 285**, introduced by Franklin  
**SB 342**, introduced by Wilson  
**SB 354**, introduced by Christiaens

Free conference committee report #1 adopted: 4/21/93

**HB 442**, introduced by Knox  
**SB 252**, introduced by Hertel  
**SB 311**, introduced by Jergeson

Free conference committee report #1 adopted: 4/22/93

**HB 6**, introduced by Bardanouve  
**HB 13**, introduced by Benedict  
**HB 121**, introduced by Fagg  
**HB 301**, introduced by Wyatt  
**HB 335**, introduced by Toole  
**HB 495**, introduced by Elliott  
**HB 622**, introduced by Ewer  
**SB 14**, introduced by Swift

#### MESSAGES FROM THE GOVERNOR

The Honorable John Mercer  
Speaker of the House  
State Capitol  
Helena, Montana 59620  
April 21, 1993

Dear Representative Mercer:

Please be informed that I have signed House Bills 174, 236, 245, and 617 on April 21, 1993.

Sincerely,

MARC RACICOT  
Governor

The Honorable Fred Van Valkenburg  
President of the Senate  
State Capitol  
Helena MT 59620  
April 21, 1993

The Honorable John Mercer  
Speaker of the House  
State Capitol  
Helena MT 59620

Dear President Van Valkenburg and Speaker Mercer:

In accordance with the power vested in me as Governor by the Constitution and laws of the State of Montana, I hereby return Senate Bill 332, "AN ACT

April 22, 1993

REVISING THE URBAN TRANSPORTATION DISTRICT LAWS; ALLOWING FOR THE APPOINTMENT OF A TRANSPORTATION DISTRICT BOARD; ALLOWING LOCAL GOVERNING BODIES TO DETERMINE THE NUMBER OF BOARD MEMBERS, THE TERM OF OFFICE, THE SELECTION OF INITIAL MEMBERS, AND THE PROCEDURE FOR FILLING VACANCIES; AMENDING SECTIONS 7-14-212 AND 7-14-214, MCA; REPEALING SECTIONS 7-14-213, 7-14-215, 7-14-216, AND 7-14-217, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE," with the attached amendments for the following reasons.

Transportation district board members are currently elected by the voters. There has been some difficulty in attracting candidates to run for board membership in certain jurisdictions, and Senate Bill 332 was intended to address this situation. It would permit a local governing body to appoint members to a transportation district board; however, in doing so it potentially removes the right to elect board members in a jurisdiction where the election process has worked well. I am proposing an amendment that would allow a local governing body to appoint board members until the next general election, at which time the voters could decide whether the appointment process was acceptable to them. I urge your adoption of these amendments.

Sincerely,

MARC RACICOT  
Governor

GOVERNOR'S AMENDMENTS  
TO SENATE BILL 332

1. Title, line 10.

Following: "BOARD;"

Insert: "PROVIDING FOR APPROVAL BY THE ELECTORATE OF THE APPOINTMENT AUTHORITY;"

2. Page 1, line 2.

Strike: "The"

Insert: "Subject to the provisions of subsection (4), the"

3. Page 3, following line 2.

Insert: "(4) The commissioners and the governing body adopting a resolution allowing the appointment of board members may appoint members to the board but shall at the next general election allow the electorate of the district to vote on whether the authority to appoint board members is to remain with the commissioners and the governing body or whether all board members must be elected."

**MOTIONS**

Representative Grinde moved the House dissolve the conference committee on Senate amendments to HB 70 and the Speaker be authorized to appoint



a free conference committee to meet with a like committee from the Senate to confer on HB 70. Motion carried.

Mr. Speaker appointed the following members:

Representative M. Hanson, Chairman  
Representative S. Rice  
Representative Bohlinger

Representative Grinde moved the House dissolve the conference committee on Senate amendments to HB 504 and the Speaker be authorized to appoint a free conference committee to meet with a like committee from the Senate to confer on HB 504. Motion carried.

Mr. Speaker appointed the following members:

Representative Benedict, Chairman  
Representative Hibbard  
Representative Cocchiarella

### **SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)**

Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Elliott in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**SB 71** - Representative Vogel moved Governor's amendments to SB 71 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Grady, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 95

Noes: Gervais, Gilbert, R. Johnson, Rehbein.  
Total 4

Excused: None.  
Total 0

Absent or not voting: Grimes.

Total 1

**SB 347** - Representative Mercer moved Governor's amendments to SB 347 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Clark, Cobb, DeBruycker, Elliott, Ellis, Fagg, Feland, Fisher, Foster, Gilbert, Grady, Grinde, H.S. Hanson, M. Hanson, Harper, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Mason, McCarthy, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Rehbein, J. Rice, Rose, Sayles, Schye, Simon, Simpkins, Smith, Spring, Stovall, Swanson, Tash, Tunby, Vogel, Wagner, Wallin, Wanzenried, Winslow, Wiseman, Zook, Mr. Speaker.

Total 68

Noes: Brooke, Brown, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Endy, Ewer, Galvin, Gervais, Hansen, Harrington, Larson, McCaffree, McCulloch, Menahan, Raney, Ream, S. Rice, Russell, Ryan, Schwinden, Squires, Stanford, Strizich, Toole, Tuss, Whalen, Wyatt.

Total 31

Excused: None.

Total 0

Absent or not voting: Grimes.

Total 1

**HB 6** - Representative Bachini moved the free conference committee report to HB 6 be adopted. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, J. Johnson, R. Johnson, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Whalen, Winslow, Wiseman, Zook, Mr. Speaker.

Total 94

Noes: Boharski, Dowell, Herron, Kadas, Wanzenried, Wyatt.

Total 6

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 92** - Representative Tunby moved the conference committee report to HB 92 be adopted. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanoue, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Clark, Cobb, Daily, DeBruycker, Dowell, Elliott, Endy, Ewer, Fagg, Feland, Fisher, Foster, Gilbert, Grady, Grimes, Hansen, H.S. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Mason, McCaffree, McCarthy, McCulloch, Mills, L. Nelson, T. Nelson, Orr, Peck, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 82

Noes: Brown, Cocchiarella, Davis, Dolezal, Driscoll, Galvin, Gervais, M. Hanson, Larson, Pavlovich, Rehbein, Schwinden, Whalen, Winslow.

Total 14

Excused: None.

Total 0

Absent or not voting: Ellis, Grinde, Menahan, Molnar.

Total 4

**HB 121** - Representative Fagg moved the free conference committee report to HB 121 be adopted. Motion carried as follows:

Ayes: Bardanoue, Barnett, Barnhart, Benedict, Bergman, Bird, Bohlinger, Brandewie, Brown, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Endy, Ewer, Fagg, Fisher, Galvin, Hansen, H.S. Hanson, Harper, Harrington, Hayne, Hibbard, J. Johnson, R. Johnson, Kadas, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, T. Nelson, Pavlovich, Peck, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Ryan, Schwinden, Schye, Simon, Smith, Spring, Stanford, Strizich, Swanson, Tash, Tunby, Tuss, Vogel, Wallin, Wanzenried, Whalen, Wyatt, Zook.

Total 66

Noes: Anderson, Bachini, Bergsagel, Boharski, Brooke, Clark, Cobb, Ellis, Feland, Foster, Gervais, Gilbert, Grady, Grimes, M. Hanson, Herron, Kasten, Keller, Molnar, L. Nelson, Orr, Peterson, Rehbein, Russell, Sayles, Simpkins, Squires, Stovall, Toole, Wagner, Winslow, Wiseman, Mr. Speaker.

Total 33

Excused: None.

Total 0

Absent or not voting: Grinde.

Total 1

April 22, 1993

**HB 335** - Representative Toole moved the free conference committee report to HB 335 be adopted. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 93

Noes: DeBruycker, Feland, Peterson, Rehbein, Simpkins, Whalen.

Total 6

Excused: None.

Total 0

Absent or not voting: Quilici.

Total 1

**HB 442** - Representative Knox moved the free conference committee report to HB 442 be adopted. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brown, Clark, Cobb, Daily, Elliott, Ellis, Endy, Fagg, Feland, Fisher, Foster, Galvin, Gilbert, Grady, Grimes, H.S. Hanson, M. Hanson, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kasten, Keller, Knox, Mason, McCarthy, Menahan, Mills, L. Nelson, T. Nelson, Orr, Pavlovich, Quilici, J. Rice, Rose, Sayles, Simon, Smith, Spring, Stanford, Stovall, Strizich, Tash, Toole, Tunby, Vogel, Wagner, Wallin, Winslow, Wiseman, Zook, Mr. Speaker.

Total 66

Noes: Brooke, Cocchiarella, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Ewer, Gervais, Hansen, Harper, Kadas, Larson, McCaffree, McCulloch, Molnar, Peck, Peterson, Raney, Ream, Rehbein, S. Rice, Russell, Ryan, Schwinden, Schye, Simpkins, Squires, Swanson, Tuss, Wanzenried, Whalen, Wyatt.

Total 33

Excused: None.

Total 0

Absent or not voting: Grinde.

Total 1



**HB 622** - Representative Ewer moved the free conference committee report to HB 622 be adopted. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 97

Noes: DeBruycker, Spring.  
Total 2

Excused: None.  
Total 0

Absent or not voting: Grinde.  
Total 1

**HB 645** - Representative Schye moved the conference committee report to HB 645 be adopted.

Representative Brown made a substitute motion that the conference committee report to HB 645 be not adopted. Motion failed. (36-64)

Thereupon, motion to adopt conference committee report to HB 645 carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnhart, Benedict, Bergsagel, Bird, Bohlinger, Brandewie, Brooke, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Feland, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hibbard, J. Johnson, Kadas, Keller, Knox, Mason, McCaffree, McCarthy, McCulloch, Menahan, L. Nelson, Orr, Peck, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Schwinden, Schye, Simon, Smith, Spring, Squires, Stanford, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Wagner, Wanzenried, Whalen, Winslow, Wiseman, Mr. Speaker.  
Total 74

Noes: Barnett, Boharski, Brown, Clark, Cobb, Fagg, Fisher, Hayne, Herron, R. Johnson, Kasten, Larson, Mills, Molnar, T. Nelson, Pavlovich, Peterson, Rehbein, Sayles, Simpkins, Stovall, Vogel, Wallin, Wyatt.  
Total 24

Excused: None.

Total 0

Absent or not voting: Bergman, Zook.

Total 2

**HB 411** - Representative R. Johnson moved Governor's amendments to HB 411 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, DeBruycker, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gilbert, Grady, Grimes, Hansen, H.S. Hanson, M. Hanson, Harper, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Peterson, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Vogel, Wagner, Wallin, Wanzenried, Winslow, Zook, Mr. Speaker.

Total 79

Noes: Bergsagel, Bird, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Gervais, Harrington, McCulloch, Pavlovich, Peck, Quilici, Russell, Stanford, Tuss, Whalen, Wyatt.

Total 19

Excused: None.

Total 0

Absent or not voting: Grinde, Wiseman.

Total 2

**HB 431** - Representative Strizich moved Governor's amendments to HB 431 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 97

Noes: Bergsagel, DeBruycker, Rehbein.

Total 3

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 530** - Representative Spring moved Governor's amendments to HB 530 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brown, Clark, Cobb, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grimes, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 93

Noes: Barnhart, Bergsagel, Brooke, Cocchiarella, McCulloch.

Total 5

Excused: None.

Total 0

Absent or not voting: Grady, Grinde.

Total 2

**HB 562** - Representative J. Rice moved Governor's amendments to HB 562 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 99

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: Grady.

Total 1

**HB 70** - Representative S. Rice moved the free conference committee report to HB 70 be adopted. Motion carried as follows:

Ayes: Bardanouve, Barnhart, Bergman, Bohlinger, Brooke, Brown, Cocchiarella, Daily, Davis, Dolezal, Dowell, Elliott, Endy, Ewer, Fagg, Galvin, Gervais, Grimes, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, McCaffree, McCarthy, McCulloch, Menahan, Mills, L. Nelson, T. Nelson, Pavlovich, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Schwinden, Schye, Smith, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Wallin, Wanzenried, Whalen, Wiseman, Mr. Speaker.

Total 62

Noes: Anderson, Bachini, Barnett, Benedict, Bergsagel, Bird, Boharski, Brandewie, Clark, Cobb, DeBruycker, Driscoll, Ellis, Feland, Fisher, Foster, Gilbert, Grady, Grinde, Herron, Kasten, Knox, Larson, Mason, Molnar, Orr, Peck, Peterson, Rehbein, Sayles, Simon, Simpkins, Spring, Vogel, Wagner, Wyatt, Zook.

Total 37

Excused: None.

Total 0

Absent or not voting: Winslow.

Total 1

Representative L. Nelson assumed the Chair at this time.

**HB 219** - Representative Gilbert moved the conference committee report to HB 219 be adopted. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 97

Noes: Bergsagel, Kasten, Rehbein.

Total 3

Excused: None.



Total 0

Absent or not voting: None.

Total 0

**HB 495** - Representative Elliott moved the free conference committee report to HB 495 be adopted. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanoue, Barnett, Barnhart, Bergman, Bird, Bohlinger, Brandewie, Brooke, Clark, Cocchiarella, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gilbert, Grady, Grimes, Hansen, H.S. Hanson, Harper, Hayne, Herron, Hibbard, J. Johnson, Kadas, Keller, Mason, McCaffree, McCulloch, Mills, L. Nelson, T. Nelson, Orr, Peterson, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 75

Noes: Bergsagel, Boharski, Brown, Cobb, Daily, DeBruycker, Feland, Gervais, M. Hanson, Harrington, R. Johnson, Kasten, Knox, Larson, McCarthy, Menahan, Molnar, Pavlovich, Peck, Quilici, Rehbein, Sayles.

Total 22

Excused: None.

Total 0

Absent or not voting: Benedict, Grinde, Strizich.

Total 3

Representative Elliott resumed the Chair at this time.

**HB 591** - Representative Wallin moved the conference committee report to HB 591 be adopted. Motion carried as follows:

Ayes: Anderson, Bachini, Barnett, Barnhart, Bergman, Bohlinger, Brandewie, Brooke, Brown, Cocchiarella, Daily, Dowell, Driscoll, Ewer, Foster, Galvin, Grady, Grinde, Hansen, H.S. Hanson, M. Hanson, Harrington, Herron, J. Johnson, R. Johnson, Kadas, Keller, Knox, Mason, McCulloch, Mills, T. Nelson, Orr, Pavlovich, Peck, Ream, J. Rice, Schwinden, Schye, Simon, Simpkins, Spring, Squires, Strizich, Swanson, Tash, Toole, Tunby, Vogel, Wagner, Wallin, Winslow, Wiseman, Zook, Mr. Speaker.

Total 55

Noes: Bardanoue, Benedict, Bergsagel, Bird, Boharski, Clark, Cobb, Davis, DeBruycker, Dolezal, Elliott, Ellis, Endy, Fagg, Feland, Fisher, Gervais, Gilbert, Grimes, Harper, Hayne, Hibbard, Kasten, Larson, McCaffree, McCarthy, Menahan, Molnar, L. Nelson, Peterson, Quilici, Raney, Rehbein, S. Rice, Rose, Russell, Ryan, Sayles, Smith, Stanford, Stovall, Tuss, Wanzenried, Whalen, Wyatt.

Total 45

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Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 14** - Representative Sayles moved the free conference committee report to SB 14 be adopted. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Benedict, Bergsagel, Boharski, Bohlenger, Brandewie, Brown, Clark, Cobb, Daily, Davis, DeBruycker, Dolezal, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Harper, Herron, Hibbard, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Ryan, Sayles, Schwinden, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 84

Noes: Barnhart, Bergman, Bird, Brooke, Cocchiarella, Dowell, Hansen, Harrington, Hayne, McCaffree, Peterson, Russell, Toole.

Total 13

Excused: None.

Total 0

Absent or not voting: Feland, J. Johnson, Schye.

Total 3

**SB 23** - Representative Grimes moved consideration of the conference committee report to SB 23 be placed at the bottom of the second reading board. Motion carried.

**SB 80** - Representative Simon moved the free conference committee report to SB 80 be adopted. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Bohlenger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Gilbert, Grimes, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Schwinden, Schye, Simon, Simpkins, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 93

Noes: Bergsagel, Boharski, Feland, Sayles, Smith.

Total 5

Excused: None.

Total 0

Absent or not voting: Grady, Grinde.

Total 2

**SB 108** - Representative Vogel moved the conference committee report to SB 108 be adopted. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 98

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: Grinde, Stovall.

Total 2

**SB 285** - Representative Simon moved the conference committee report to SB 285 be adopted. Motion carried as follows:

Ayes: Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Foster, Galvin, Gervais, Gilbert, Grady, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, L. Nelson, T. Nelson, Orr, Pavlovich, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 86

Noes: Anderson, Bergsagel, Boharski, DeBruycker, Feland, Fisher, R. Johnson, Molnar, Peck, Rehbein, Smith, Spring.

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Total 12

Excused: None.

Total 0

Absent or not voting: Grimes, Grinde.

Total 2

**SB 354** - Representative Simon moved the conference committee report to SB 354 be adopted. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnhart, Benedict, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Foster, Galvin, Gervais, Gilbert, Grady, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Quilici, Raney, Ream, J. Rice, S. Rice, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Zook, Mr. Speaker.

Total 89

Noes: Barnett, Bergman, Bergsagel, Fisher, Peterson, Rehbein, Rose.

Total 7

Excused: None.

Total 0

Absent or not voting: Grimes, Grinde, Stovall, Wyatt.

Total 4

**SB 23** - Representative Grimes moved the conference committee report to SB 23 be adopted. Motion failed as follows:

Ayes: Cobb, DeBruycker, Fagg, Feland, Grimes, Grinde, M. Hanson, J. Johnson, R. Johnson, Kasten, Keller, Mason, Menahan, Raney, J. Rice, S. Rice, Rose, Schye, Smith, Spring, Whalen, Zook.

Total 22

Noes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, H.S. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, Kadas, Knox, Larson, McCaffree, McCarthy, McCulloch, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Ream, Rehbein, Russell, Ryan, Sayles, Schwinden, Simon, Simpkins, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Winslow, Wiseman, Wyatt, Mr. Speaker.

Total 77



Excused: None.

Total 0

Absent or not voting: Hansen.

Total 1

Representative Grinde moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman Elliott moved the adoption of the committee report. Report adopted. (87-8)

### THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 453**, conference committee report, adopted as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 98

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: Grimes, Tuss.

Total 2

**SB 196** concurred in as follows:

Ayes: Anderson, Bachini, Barnett, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brown, Clark, Cobb, Daily, DeBruycker, Driscoll, Elliott, Ellis, Endy, Feland, Fisher, Foster, Gilbert, Grady, Grinde, Hansen, H.S. Hanson, M. Hanson, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kasten, Keller, Knox, Mason, McCaffree, McCarthy, Menahan, Mills, Molnar, L. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Rehbein, Rose, Sayles, Schwinden, Simon, Simpkins, Smith, Spring, Stovall, Tash, Tunby, Vogel, Wagner, Wallin, Winslow, Wiseman, Zook, Mr. Speaker.  
Total 66

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Noes: Bardanouve, Barnhart, Brooke, Cocchiarella, Davis, Dolezal, Dowell, Ewer, Fagg, Galvin, Gervais, Harper, Harrington, Kadas, Larson, McCulloch, T. Nelson, Raney, Ream, J. Rice, S. Rice, Russell, Ryan, Schye, Squires, Stanford, Strizich, Swanson, Toole, Tuss, Wanzenried, Whalen, Wyatt.

Total 33

Excused: None.

Total 0

Absent or not voting: Grimes.

Total 1

**SB 71**, Governor's amendments, concurred in as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, J. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Rehbein, J. Rice, S. Rice, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 95

Noes: Gilbert, R. Johnson, Rose.

Total 3

Excused: None.

Total 0

Absent or not voting: Hibbard, Ream.

Total 2

**SB 347**, Governor's amendments, concurred in as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Clark, Daily, DeBruycker, Elliott, Ellis, Fagg, Feland, Fisher, Foster, Gilbert, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Harper, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Mason, McCaffree, McCarthy, McCulloch, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Sayles, Schye, Simon, Simpkins, Smith, Spring, Stovall, Swanson, Tash, Tunby, Vogel, Wagner, Wallin, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 74

Noes: Barnhart, Brown, Cobb, Cocchiarella, Davis, Dolezal, Dowell, Driscoll, Endy, Ewer, Galvin, Gervais, Hansen, Harrington, Larson, Menahan, Russell, Ryan, Schwinden, Stanford, Strizich, Toole, Tuss, Wanzenried, Whalen.

Total 25

Excused: None.

Total 0

Absent or not voting: Squires.

Total 1

**HB 6**, free conference committee report, adopted as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 98

Noes: DeBruycker, Herron.

Total 2

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 92**, conference committee report, adopted as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Clark, Cobb, Daily, DeBruycker, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Mason, McCaffree, McCarthy, McCulloch, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 86

Noes: Barnhart, Brown, Cocchiarella, Davis, Dolezal, Dowell, Driscoll, Gervais, M. Hanson, Larson, Menahan, Peck, Whalen, Winslow.  
Total 14

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 121**, free conference committee report, adopted as follows:

Ayes: Bachini, Bardanouve, Barnett, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brown, Clark, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Galvin, Gilbert, Hansen, H.S. Hanson, Harper, Harrington, Hayne, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Larson, Mason, McCaffree, McCarthy, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Pavlovich, Peck, Quilici, Raney, Ream, J. Rice, Rose, Ryan, Schwinden, Schye, Simon, Smith, Spring, Squires, Stanford, Strizich, Swanson, Tash, Toole, Tunby, Vogel, Wallin, Wanzenried, Whalen, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 73

Noes: Anderson, Barnhart, Benedict, Bergsagel, Brooke, Cobb, DeBruycker, Foster, Gervais, Grady, Grimes, Grinde, M. Hanson, Herron, Kasten, McCulloch, Orr, Peterson, Rehbein, S. Rice, Russell, Sayles, Simpkins, Stovall, Tuss, Wagner, Winslow.  
Total 27

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 335**, free conference committee report, adopted as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 97

Noes: DeBruycker, Whalen, Winslow.  
Total 3



Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 442**, free conference committee report, adopted as follows:

Ayes: Anderson, Bachini, Barnett, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brown, Clark, Cobb, Cocchiarella, Daily, Dowell, Driscoll, Elliott, Ellis, Endy, Fagg, Feland, Fisher, Foster, Galvin, Gilbert, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Mason, McCarthy, Menahan, Mills, L. Nelson, T. Nelson, Orr, Pavlovich, Peterson, Quilici, Rehbein, J. Rice, S. Rice, Rose, Ryan, Sayles, Simon, Simpkins, Smith, Spring, Stanford, Stovall, Strizich, Tash, Tunby, Vogel, Wagner, Wallin, Wanzenried, Winslow, Wiseman, Zook, Mr. Speaker.

Total 75

Noes: Bardanouve, Barnhart, Brooke, Davis, DeBruycker, Dolezal, Ewer, Gervais, Hansen, Larson, McCaffree, McCulloch, Molnar, Peck, Raney, Ream, Russell, Schwinden, Schye, Squires, Swanson, Tuss, Whalen, Wyatt.

Total 24

Excused: None.

Total 0

Absent or not voting: Toole.

Total 1

**HB 622**, free conference committee report, adopted as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 98

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: Galvin, R. Johnson.  
Total 2

**HB 645**, conference committee report, adopted as follows:

Ayes: Anderson, Bachini, Bardanoue, Barnett, Barnhart, Benedict, Bergsagel, Bird, Bohlinger, Brandewie, Brooke, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Feland, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, J. Johnson, Kadas, Keller, Knox, Mason, McCaffree, McCarthy, McCulloch, Menahan, L. Nelson, Orr, Peck, Raney, Ream, J. Rice, Rose, Russell, Ryan, Schwinden, Schye, Simon, Smith, Squires, Stanford, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Wagner, Wanzenried, Whalen, Winslow, Wiseman, Zook, Mr. Speaker.  
Total 74

Noes: Bergman, Boharski, Brown, Clark, Cobb, Fagg, Fisher, Herron, R. Johnson, Kasten, Larson, Mills, Molnar, T. Nelson, Pavlovich, Peterson, Quilici, Rehbein, Sayles, Simpkins, Stovall, Vogel, Wallin, Wyatt.  
Total 24

Excused: None.  
Total 0

Absent or not voting: S. Rice, Spring.  
Total 2

**HB 411**, Governor's amendments, concurred in as follows:

Ayes: Bardanoue, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, DeBruycker, Dolezal, Dowell, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCulloch, Mills, L. Nelson, T. Nelson, Orr, Peterson, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Vogel, Wagner, Wallin, Wanzenried, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 81

Noes: Bachini, Bergsagel, Cocchiarella, Daily, Davis, Driscoll, Gervais, Harrington, Menahan, Molnar, Pavlovich, Peck, Quilici, Ryan, Sayles, Tuss, Whalen.  
Total 17

Excused: None.  
Total 0

Absent or not voting: Anderson, McCarthy.  
Total 2

**HB 431**, Governor's amendments, concurred in as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 97

Noes: Bergsagel, DeBruycker, Kasten.

Total 3

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 530**, Governor's amendments, concurred in as follows:

Ayes: Anderson, Bachini, Barnett, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brown, Clark, Cobb, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook.

Total 92

Noes: Bardanouve, Barnhart, Brandewie, Brooke, Cocchiarella, Peck, Mr. Speaker.

Total 7

Excused: None.

Total 0

Absent or not voting: Mills.

Total 1

**HB 562**, Governor's amendments, concurred in as follows:

April 22, 1993

Ayes: Anderson, Bachini, Bardanoue, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 96

Noes: None.

Total 0

Excused: None.

Total 0

Absent or not voting: Clark, Fisher, Hayne, Herron.

Total 4

**HB 70**, free conference committee report, adopted as follows:

Ayes: Bardanoue, Barnhart, Bergman, Bohlinger, Brooke, Brown, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Endy, Ewer, Fagg, Galvin, Gervais, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hibbard, J. Johnson, Kadas, Keller, Larson, McCaffree, McCarthy, McCulloch, Menahan, Mills, L. Nelson, T. Nelson, Pavlovich, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Schwinden, Schye, Smith, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Wallin, Wanzenried, Whalen, Wiseman, Zook, Mr. Speaker.

Total 65

Noes: Anderson, Bachini, Barnett, Benedict, Bergsagel, Bird, Boharski, Brandewie, Clark, Cobb, DeBruycker, Ellis, Feland, Fisher, Foster, Gilbert, Hayne, Herron, R. Johnson, Kasten, Knox, Mason, Molnar, Orr, Peck, Peterson, Rehbein, Sayles, Simon, Simpkins, Spring, Vogel, Wagner, Winslow, Wyatt.

Total 35

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 219**, conference committee report, adopted as follows:

Ayes: Anderson, Bachini, Bardanoue, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark,



Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 97

Noes: Bergsagel, Kasten, Rehbein.

Total 3

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 495**, free conference committee report, adopted as follows:

Ayes: Anderson, Bachini, Bardanoue, Barnett, Barnhart, Benedict, Bergman, Bird, Bohlinger, Brooke, Clark, Cocchiarella, Davis, Dolezal, Dowell, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, Harper, Hayne, Herron, Hibbard, J. Johnson, Kadas, Keller, Mason, McCaffree, McCulloch, Menahan, L. Nelson, T. Nelson, Orr, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Ryan, Schwinden, Schye, Simon, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Tunby, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Zook, Mr. Speaker.

Total 72

Noes: Bergsagel, Boharski, Brandewie, Brown, Cobb, Daily, DeBruycker, Driscoll, Feland, Gervais, M. Hanson, Harrington, R. Johnson, Kasten, Knox, Larson, McCarthy, Mills, Molnar, Pavlovich, Peck, Rehbein, Russell, Sayles, Toole, Tuss, Wyatt.

Total 27

Excused: None.

Total 0

Absent or not voting: Simpkins.

Total 1

**HB 591**, conference committee report, adopted as follows:

Ayes: Bachini, Barnett, Barnhart, Bergman, Bohlinger, Brandewie, Brooke, Brown, Cocchiarella, Daily, Driscoll, Ewer, Galvin, Gilbert, Grady, Grinde, Hansen, H.S. Hanson, M. Hanson, Harrington, Herron, J. Johnson, R. Johnson, Kadas, Keller, Knox, Mason, McCulloch, Mills, T. Nelson, Orr, Pavlovich, Peck, Ream, J. Rice, Ryan, Schye, Simon, Simpkins, Spring,

Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wallin, Winslow, Wiseman, Zook, Mr. Speaker.  
Total 52

Noes: Bardanouve, Benedict, Bergsagel, Bird, Boharski, Clark, Cobb, Davis, DeBruycker, Dolezal, Dowell, Elliott, Ellis, Endy, Fagg, Feland, Fisher, Foster, Gervais, Grimes, Harper, Hayne, Hibbard, Kasten, Larson, McCaffree, McCarthy, Menahan, Molnar, L. Nelson, Peterson, Quilici, Raney, Rehbein, S. Rice, Rose, Russell, Sayles, Schwinden, Smith, Squires, Stanford, Stovall, Wagner, Wanzenried, Whalen, Wyatt.  
Total 47

Excused: None.  
Total 0

Absent or not voting: Anderson.  
Total 1

**SB 14**, free conference committee report, adopted as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Benedict, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brown, Clark, Cobb, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Harper, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, Orr, Pavlovich, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 89

Noes: Bergman, Brooke, Cocchiarella, Hansen, Harrington, Hayne, Herron, T. Nelson, Peck, Peterson.  
Total 10

Excused: None.  
Total 0

Absent or not voting: Barnhart.  
Total 1

**SB 80**, free conference committee report, adopted as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney,

Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook.

Total 93

Noes: Boharski, Feland, Hibbard, Ryan, Sayles, Stanford.

Total 6

Excused: None.

Total 0

Absent or not voting: Mr. Speaker.

Total 1

**SB 108**, conference committee report, adopted as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 98

Noes: Bergsagel, Winslow.

Total 2

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 285**, conference committee report, adopted as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, J. Johnson, Kadas, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, L. Nelson, T. Nelson, Orr, Pavlovich, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 85

Noes: Bergsagel, Brandewie, DeBruycker, Feland, Fisher, Herron, R. Johnson, Kasten, Molnar, Peck, Peterson, Rehbein, Smith, Spring.

Total 14

Excused: None.

Total 0

Absent or not voting: Wagner.

Total 1

**SB 354**, conference committee report, adopted as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bird, Boharski, Bohlinger, Brooke, Brown, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Endy, Ewer, Fagg, Feland, Fisher, Foster, Gervais, Gilbert, Grady, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Quilici, Raney, Ream, J. Rice, S. Rice, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 86

Noes: Bergman, Bergsagel, Brandewie, DeBruycker, Ellis, Calvin, Hayne, Kasten, Peterson, Rehbein, Rose, Wagner.

Total 12

Excused: None.

Total 0

Absent or not voting: Clark, Grimes.

Total 2

## REPORTS OF STANDING COMMITTEES

BILLS (Hayne, Chairman): 4/22/93

Correctly enrolled: HB 46, HB 65, HB 190, HB 287, HB 323, HB 548, HB 572, HB 688, HB 689.

Signed by the Speaker at 6:00 p.m., 4/21/93: HB 3, HB 145, HB 327, HB 372, HB 469, HB 517, HB 616, HB 651, HB 673, HB 679, SB 106, SB 357, SB 359.

Delivered to the Governor for his approval at 8:55 a.m., 4/22/93: HB 7, HB 9, HB 181, HB 196, HB 216, HB 303, HB 314, HB 330, HB 350, HB 388, HB 402, HB 413, HB 430, HB 436, HB 463, HB 482, HB 529, HB 539, HB 559, HB 579, HB 585, HB 587, HB 593, HB 601, HB 639, HB 640, HB 652, HB 655, HB 660, HB 666, HB 680, HB 687, HB 690, HB 691.



**REPORTS OF SELECT COMMITTEES**

Free Conference Committee  
on House Bill 13  
Report No. 1, April 21, 1993

Mr. Speaker and Mr. President:

We, your Free Conference Committee, met and considered House Bill 13 and recommend as follows:

1. That the House accede to the Select Workers' Compensation Committee amendments, dated April 7, 1993, in total.

And that this Free Conference Committee report be adopted.

For the House:

For the Senate:

Benedict, Chairman  
Hibbard  
Peck

Towe, Chairman  
Lynch  
Keating

**MOTIONS**

Representative Squires moved she be allowed to change her vote on the Governor's amendments to SB 347, third reading, from absent to no. Motion carried.

Representative Ryan moved he be allowed to change his vote on the free conference committee report to SB 80, third reading, from no to aye. Motion carried.

Representative Bird moved she be allowed to change her vote on the free conference committee report to HB 121, second reading, from aye to no. Motion carried.

Representative Bird moved she be allowed to change her vote on the free conference committee report to SB 14, second reading, from no to aye. Motion carried.

Representative Barnett moved he be allowed to change his vote on the conference committee report to SB 354, third reading, from aye to no. Motion carried.

Representative Anderson moved he be allowed to change his vote on the conference committee report to HB 591, third reading, from absent to no. Motion carried.

Representative Grinde moved the House recess until 1:30 p.m. Motion carried.

House recessed at 10:17 a.m.

House reconvened at 1:30 p.m. Mr. Speaker in the Chair.

**COMMUNICATIONS AND PETITIONS**

The Honorable John Mercer  
Speaker, MT House of Representatives  
State Capitol  
Helena, MT 59620

April 22, 1993

Dear Speaker Mercer:

Please consider this my official appointment of Representative Ted Schye to the Pacific Northwest Economic Region for the 1993-94 interim. Representative Diana Wyatt, House District 37, will stand as alternate.

Thank you in advance for your concurrence of this appointment.

Sincerely,

Ted Schye  
House Minority Leader

**REPORTS OF SELECT COMMITTEES**

Conference Committee  
on House Bill 142  
Report No. 2, April 22, 1993

Mr. Speaker and Mr. President:

We, your Conference Committee on House Bill 142, met and considered:

1. Senate Judiciary Committee amendments dated March 24, 1993 and recommend that House Bill 142 (reference copy -- salmon) be amended as follows:

1. Title, line 5.  
Page 17, lines 19 and 21.  
Page 19, lines 12 and 16.  
Page 22, lines 4, 5, and 15.  
Page 23, lines 22 and 23.  
Page 24, lines 2, 21, and 22.  
Page 25, lines 1, 16, and 21.  
Page 26, lines 16 and 21.  
Page 28, lines 7 and 12.  
Page 29, lines 18 and 23.  
Page 30, lines 11 and 17.  
Strike: "\$750"  
Insert: "\$500"

2. Title, lines 7 and 8.  
Following: "CRIMES;" on line 7  
Strike: remainder of line 7 through "CRIMES;" on line 8

3. Page 19, line 20.

Strike: "must"

Insert: "shall"

4. Page 22, line 8.

Strike: "NOT LESS THAN"

5. Page 22, line 9.

Strike: "OR MORE THAN \$750"

And that this Conference Committee report be adopted.

For the House:

Fagg, Chairman  
Anderson  
Brown

For the Senate:

Yellowtail, Chairman  
Halligan  
Brown

Conference Committee  
on House Bill 219  
Report No. 1, April 21, 1993

Mr. Speaker and Mr. President:

We, your Conference Committee on House Bill 219, met and considered:

1. Senate Taxation Committee amendments dated April 5, 1993

2. Senate Committee of the Whole amendment of Sen. Doherty dated April 8, 1993 and recommend that House Bill 219 (reference copy -- salmon) be amended as follows:

1. Page 3, line 6.

Following: "~~or~~"

Insert: "or"

2. Page 3, lines 7 through 9.

Strike: subsection (F) in its entirety

Renumber: subsequent subsection

And that this Conference Committee report be adopted.

For the House:

Gilbert, Chairman  
Feland  
S. Rice

For the Senate:

Halligan, Chairman  
Stang  
Grosfield

Conference Committee  
on Senate Bill 342  
Report No. 1, April 21, 1993

Mr. President and Mr. Speaker:

We, your Conference Committee on Senate Bill 342, met and considered: House amendments to Senate Bill 342. We recommend that Senate Bill 342 (reference copy - salmon) be amended as follows:

1. Title, line 9.

Following: "OFFICER;"

Insert: REVISING PROCEDURES FOR WAGE CLAIMS;

Strike: "SECTION"

Insert: "SECTIONS 18-2-401, 18-2-403,"

2. Title, line 10.

Following: "18-2-407,"

Insert: "18-2-411, 18-2-423, AND 18-2-432,"

3. Title, line 12.

Following: "DATE"

Insert: "AND AN APPLICABILITY DATE"

4. Page 7, line 19.

Following: line 18

Insert: "Section 2. Section 18-2-401, MCA, is amended to read:

"18-2-401. Definitions. Unless the context requires otherwise, in this part, the following definitions apply:

(1) A "bona fide resident of Montana" is ~~hereby declared to~~ be a person who, at the time of his employment and immediately prior ~~thereto~~ to the time of employment, has lived in this state in ~~such~~ a manner and for ~~such~~ a time as ~~that~~ is sufficient to clearly justify the conclusion that ~~his~~ the person's past habitation in this state has been coupled with an intention to make it ~~his~~ the person's home. Sojourners or persons who come to Montana solely in pursuance of any contract or agreement to perform ~~such~~ labor ~~shall under no circumstance may not be deemed considered~~ to be bona fide residents of Montana within the meaning and for the purpose of this part.

(2) "Commissioner" means the commissioner of labor and industry provided for in 2-15-1701.

(3) "Department" means the department of labor and industry provided for in 2-15-1701.

(4) "District" means a prevailing wage rate district established as provided in 18-2-411.

(5) "Heavy and highway construction wage rates" means wage rates, including fringe benefits for health and welfare and pension contributions, that meet the requirements of the Employee Retirement Income Security Act of 1974 and other bona fide programs approved by the United States department of labor and travel allowance provisions; that are determined and established statewide for heavy and highway construction projects, such as alteration or repair of roads, streets, highways, alleys, runways, trails, parking areas, or utility rights-of-way.

(6) "Labor" ~~is hereby defined to be~~ means all services in excess of \$25,000 performed in construction, maintenance, or remodeling work in all a state, county, municipal, and school work district, or political subdivision project and does not include



engineering, superintendence, management, or office or clerical work.

(7) (a) "Standard prevailing rate of wages" or "standard prevailing wage" means:

(i) the heavy and highway construction wage rates applicable to heavy and highway construction projects; or

(ii) those wages, other than heavy and highway construction wages, including fringe benefits for health and welfare and pension contributions, that meet the requirements of the Employee Retirement Security Act of 1974 and other bona fide programs approved by the United States department of labor and travel allowance provisions, which that are paid in the district by other contractors for work of a similar character performed in that district by each craft, classification, or type of worker needed to complete a contract under this part. In each district, the standard prevailing rate of wages is a weighted average wage rate based on all of the hours worked on work of a similar character performed in the district.

(b) When work of a similar character is not being performed in the district, the standard prevailing rate of wages, including fringe benefits for health and welfare and pension contributions, that meets the requirements of the Employee Retirement Security Act of 1974 and other bona fide programs approved by the United States department of labor and the rate of travel allowance provisions, shall must be those rates established by collective bargaining agreements in effect in the district for each craft, classification, or type of worker needed to complete the contract.

(8) "Work of a similar character" means work on private or commercial projects as well as work on public projects."

Section 3. Section 18-2-403, MCA, is amended to read:

"18-2-403. Preference of Montana labor in public works -- wages -- tax-exempt project -- federal exception. (1) In any contract let for state, county, municipal, school, or heavy and highway construction, services, repair, or maintenance work under any law of this state, there ~~shall~~ must be inserted in the bid specification and the contract a provision requiring the contractor to give preference to the employment of bona fide Montana residents in the performance of the work.

(2) All public works contracts under subsection (1), except those for heavy and highway construction, must contain a provision requiring the contractor to pay:

(a) the travel allowance that is in effect and applicable to the district in which the work is being performed; and

(b) the standard prevailing rate of wages, including fringe benefits for health and welfare and pension contributions and travel allowance provisions, that:

(i) meets the requirements of the Employee Retirement Income Security Act of 1974 and other bona fide programs approved by the United States department of labor; and

(ii) is in effect and applicable to the district in which the work is being performed.

(3) In every contract for heavy and highway construction, there must be inserted a provision to require the contractor to pay the heavy and highway construction wage rates established statewide for ~~such~~ the project.

(4) A contract let for a project costing more than \$25,000 and financed in whole or in part by tax-exempt industrial revenue bonds must contain a provision requiring the contractor to pay the standard prevailing wage rate in effect and applicable to the district in which the work is being performed.

(5) ~~No~~ A contract may not be let to any person, firm, association, or corporation refusing to execute an agreement with the ~~above-mentioned~~ provisions of subsections (1) through (4) in it, provided that in contracts involving the expenditure of federal-aid funds this part may not be enforced in such a manner as to conflict with or be contrary to the federal statutes prescribing a labor preference to honorably discharged veterans of the armed forces and prohibiting as unlawful any other preference or discrimination among citizens of the United States.

(6) Failure to include the provisions required by 18-2-422 in a public works contract relieves the contractor from ~~his~~ the ~~contractor's~~ obligation to pay the standard prevailing wage rate and places ~~such~~ the obligation on the public contracting agency."

Renumber: subsequent sections

5. Page 12.

Following: line 4

Insert: ""Section 5. Section 18-2-411, MCA, is amended to read:

"18-2-411. Creation of prevailing wage rate districts. (1) Without taking into consideration heavy and highway construction wage rates, the commissioner shall divide the state into at least 10 prevailing wage rate districts.

(2) In initially determining the districts, the commissioner must:

(a) follow the rulemaking procedures in the Montana Administrative Procedure Act; and

(b) publish the reasons supporting the creation of each district.

(3) A district boundary may not be changed except for good cause and in accordance with the rulemaking procedures in the Montana Administrative Procedure Act.

(4) The presence of collective bargaining agreements in a particular area may not be the sole basis for the creation of boundaries of a district, nor may the absence of collective bargaining agreements in a particular area be the sole basis for changing the boundaries of a district.

(5) For each prevailing wage rate district established under this section, the commissioner shall determine the standard prevailing rate of wages to be paid employees, as provided in 18-2-401 and 18-2-402."

Section 6. Section 18-2-423, MCA, is amended to read:

"18-2-423. Submission of payroll records. If a complaint is filed with the department alleging noncompliance with 18-2-422,

the department may require the project to submit to it certified copies of the payroll records for workers employed on that project. A contractor or a subcontractor shall pay employees receiving an hourly wage on a weekly basis. If a wage violation complaint is filed with the department, the contractor or subcontractor shall provide the employee's payroll records to the department within 5 days of receiving the payroll request from the department."

Section 7. Section 18-2-432, MCA, is amended to read:

"18-2-432. Penalty for violation. (1) If ~~any~~ a person, firm, or corporation ~~shall fail~~ fails to comply with the provisions of this part, the state, county, ~~municipal~~ municipality, or school ~~officers who have~~ district, or officer of a political subdivision that executed the contract shall retain \$1,000 of the contract price as liquidated damages for the violation of the terms of the contract and ~~said the~~ the money ~~shall~~ must be credited to the proper funds of the state, county, ~~municipal~~ municipality, or school ~~districts~~ district, or political subdivision.

(2) ~~Any firm or corporation violating the provisions of this part shall have his or its license suspended in the manner prescribed by 37-71-301 for a period of 1 year after the date of final judgment of said violation by any district court or the supreme court~~ Whenever a contractor or subcontractor is found by the commissioner to have aggravatedly or willfully violated the labor standards provisions of this chapter, the contractor or subcontractor or any firm, corporation, partnership, or association in which the contractor or subcontractor has a substantial interest is ineligible, for a period not to exceed 3 years after the date of the final judgment, to receive any contracts or subcontracts that are subject to the provisions of this chapter.

(3) ~~Whenever any~~ an action ~~shall have~~ has been instituted in ~~any~~ a district court in this state against any person, firm, or corporation for the violation of this part, the court in which ~~said the~~ the action is pending ~~shall be and it is hereby~~ is hereby authorized to issue an injunction to restrain ~~any such~~ the person, firm, or corporation from proceeding with ~~his or its~~ a contract with the state, county, ~~municipal~~ municipality, or school ~~districts~~ district, or political subdivision, pending the final determination of ~~said the~~ the ~~instituted~~ action so ~~instituted~~ instituted."

Renumber: subsequent sections

6. Page 12, line 15.

Following: line 14

Insert: "NEW SECTION. Section 10. Applicability. [This act] applies to all prevailing wage claims filed with the department of labor and industry on or after July 1, 1993."

Renumber: subsequent section

And that this Conference Committee report be adopted.

For the Senate:

Wilson, Chairman  
Aklestad  
Towe

For the House:

H. S. Hanson, Chairman  
Driscoll  
Mills

Free Conference Committee  
on House Bill 4  
Report No. 1, April 21, 1993

Mr. Speaker and Mr. President:

We, your Free Conference Committee on House Bill 4, met and considered: House Bill 4, as amended, in its entirety. We recommend that House Bill 4 (reference copy - salmon) be amended as follows:

1. Page 2, line 13.

Following: line 12

Insert: "Motor Pool                      1993      593,500                      Proprietary"

And that this Free Conference Committee report be adopted.

For the House:

Peterson, Chairman  
R. Johnson  
Quilici

For the Senate:

Jacobson, Chairman  
Swysgood  
Weeding

Free Conference Committee  
on House Bill 70  
Report No. 1, April 21, 1993

Mr. Speaker and Mr. President:

We, your Free Conference Committee, met and considered House Bill 70 and recommend as follows:

1. Page 2, line 11.

Strike: "\$5.00"

Insert: "\$12.00"

2. Page 2, line 12.

Strike: "8.00"

Insert: "20.00"

3. Page 2, line 13.

Strike: "15.00"

Insert: "40.00"

4. Page 2, line 14.

Strike: "40.00"

Insert: "100.00"



5. Page 2, line 15.

Strike: "70.00"

Insert: "175.00"

And that this Free Conference Committee report be adopted.

For the House:

For the Senate:

M. Hanson, Chairman  
S. Rice  
Bohlinger

Weeding, Chairman  
Jergeson  
Mesaros

Free Conference Committee  
on House Bill 495  
Report No. 1, April 21, 1993

Mr. Speaker and Mr. President:

We, your Free Conference Committee, met and considered House Bill 495 and recommend as follows:

1. Title, line 7.

Following: "CONSUMPTION"

Insert: "; REQUIRING THAT ALL LICENSEES CATERING AN EVENT PAY A FEE TO THE LOCAL LAW ENFORCEMENT AGENCY; AMENDING SECTIONS 16-3-103, 16-4-204, AND 16-4-402, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

2. Page 2, line 6.

Following: "NOTICE."

Insert: "A fee of \$35 must accompany the notice."

3. Page 2, line 22.

Following: line 21

Insert: "Section 2. Section 16-4-204, MCA, is amended to read:

"16-4-204. Transfer -- catering endorsement. (1) (a) Except as provided in subsection (1)(b), a license may be transferred to a new ownership and to a location outside the quota area for which it was originally issued only when the following criteria are met:

(i) the total number of all-beverages licenses in the original quota area exceeded the quota for that area by at least 25% in the most recent census prescribed in 16-4-502;

(ii) the total number of all-beverages licenses in the quota area to which the license would be transferred, exclusive of those issued under 16-4-209(1)(a) and (1)(b), did not exceed that area's quota in the most recent census prescribed in 16-4-502:

(A) by more than 33%; or

(B) in an incorporated city of more than 10,000 inhabitants and within a distance of 5 miles from its corporate limits by more than 43%; and

(iii) the department finds, after a public hearing, that the public convenience and necessity would be served by such a transfer.

(b) A license within an incorporated quota area may be transferred to a new ownership and to a new unincorporated location within the same county on application to and with consent of the department when the quota of the all-beverages licenses in the original quota area, exclusive of those issued under 16-4-209(1)(a) and (1)(b), exceeds the quota for that area by at least 25% in the most recent census and will not fall below that level because of the transfer.

(c) For 5 years after the transfer of a license between quota areas under subsection (1)(a), the license may not be mortgaged or pledged as security and may not be transferred to another person except for a transfer by inheritance upon the death of the licensee.

(d) Once a license is transferred to a new quota area under subsection (1)(a), it may not be transferred to another quota area or back to the original quota area.

(e) A license issued under 16-4-209(1)(a) may not be transferred to a location outside the quota area and the exterior boundaries of the Montana Indian reservation for which it was originally issued.

(2) (a) Any all-beverages licensee is, upon the approval and in the discretion of the liquor division, entitled to a catering endorsement to ~~his~~ the licensee's all-beverages license to allow the catering and sale of alcoholic beverages to persons attending a special event upon premises not otherwise licensed for the sale of alcoholic beverages for on-premise consumption, such ~~The alcoholic beverages to must~~ be consumed on the premises where the event is held.

(b) A written application for a catering endorsement and an annual fee of \$250 must be submitted to the department for its approval.

~~(c) A written application for each event for which the licensee intends to provide catering services, the written approval of the catering application by the sponsor of the special event, and a fee of \$35 must be filed with the department at least 3 days prior to the event and shall describe the location of the premises where the event is to be held, the nature of the event, and the period during which the event is to be held. An all-beverages licensee who holds an endorsement granted under this subsection (2) may not receive approval to cater an event of in which he the licensee is the sponsor. The catered event must be within 100 miles of the licensee's regular place of business. If obtained, the licensee shall display in a prominent place on those premises, the written approval from the department for each event which is catered pursuant to this subsection.~~

~~(d) The licensee shall file with each application for an event to be catered a written statement of approval of the premises where the event is to be held, issued by~~ notify the local law enforcement agency that has jurisdiction over the premises where the catered event is to be held. A fee of \$35 must accompany the notice.

(e) The sale of alcoholic beverages pursuant to a catering endorsement is subject to the provisions of 16-6-103.

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(f) The sale of alcoholic beverages pursuant to a catering endorsement is subject to the provisions of 16-3-306, unless entities named in 16-3-306 give their written approval.

(g) A catering endorsement issued for the purpose of selling and serving beer at a special event conducted on the premises of a county fairground or public sports arena authorizes the licensee to sell and serve beer in the grandstand and bleacher area of the premises, as well as from a booth, stand, or other fixed place on the premises."

Section 3. Section 16-3-103, MCA, is amended to read:

"16-3-103. Unlawful sales solicitation or advertising -- exceptions. (1) No person within the state shall:

(a) canvass for, receive, take, or solicit orders for the purchase or sale of any liquor or act as agent or intermediary for the sale or purchase of any liquor or ~~hold himself out be represented~~ as ~~such an~~ agent or intermediary unless permitted to do so under rules that shall be promulgated by the department to govern such activities;

(b) canvass for or solicit orders for the purchase or sale of any beer or malt liquor except in the case of beer proposed to be sold to beer licensees duly authorized to sell beer under the provisions of this code;

(c) exhibit, publish, or display or permit to be exhibited, published, or displayed any form of advertisement or any other announcement, publication, or price list of or concerning liquor or where or from whom the same may be had, obtained, or purchased unless permitted to do so by the rules of the department and then only in accordance with such rules.

(2) This section ~~shall~~ does not apply to:

(a) the department, any act of the department, any state liquor store;

(b) the receipt or transmission of a telegram or letter by any telegraph agent or operator or post-office employee in the ordinary course of ~~his~~ employment as such agent, operator, or employee; or

(c) the sale and serving of beer in the grandstand and bleacher area of a county fairground or public sports arena under a special permit issued pursuant to 16-4-301 or a catering endorsement issued pursuant to 16-4-204 or [section 1]."

Section 4. Section 16-4-402, MCA, is amended to read:

"16-4-402. Application -- investigation. (1) Prior to the issuance of a license under this chapter, the applicant shall file with the department an application in writing, signed by the applicant and containing information and statements relative to the applicant and the premises where the alcoholic beverage is to be sold as required by the department. The application must be verified by the affidavit of the person making it before a person authorized to administer oaths.

(2) (a) Upon receipt of a completed application for a license under this code, accompanied by the necessary license fee or letter of credit as provided in 16-4-501(7)(f), the department shall within

30 days make a thorough investigation of all matters relating to the application. The department shall determine whether:

- (i) the applicant is qualified to receive a license;
- (ii) ~~his~~ the applicant's premises are suitable for the carrying on of the business; and
- (iii) the requirements of this code and the rules promulgated by the department are met and complied with.

(b) This subsection (2) does not apply to a catering endorsement provided in 16-4-204(2) or [section 1] or a special permit provided in 16-4-301.

(3) Upon proof that an applicant made a false statement in any part of the original application, in any part of an annual renewal application, or in any hearing conducted pursuant to an application, the application for the license may be denied, and if issued, the license may be revoked.""

Renumber: subsequent section

4. Page 2.

Following: line 25

Insert: "NEW SECTION. Section 6. Effective date. [This act] is effective on passage and approval."

And that this Free Conference Committee report be adopted.

For the House:

Vogel, Chairman  
Wagner  
Elliott

For the Senate:

Eck, Chairman  
Stang  
Gage

Free Conference Committee  
on Senate Bill 80  
Report No. 1, April 21, 1993

Mr. President and Mr. Speaker:

We, your Free Conference Committee, met and considered Senate Bill 80 and recommend as follows:

1. Page 1, lines 15 and 19.

Strike: "SECOND"

Insert: "third"

2. Page 2, line 9.

Following: "BOARD"

Insert: ", unless the taking of the examination at that time is waived by the board"

3. Page 2, line 13.

Following: "BOARD"

Insert: ", unless the taking of the examination at that time is waived by the board"



4. Page 2, lines 20 through 23.

Strike: "THE" on line 20 through "TRAINING" on line 23

Insert: "two practical reexaminations is no longer eligible for reexamination unless the board, by rule, provides for additional education and training before the reexamination may be taken a third time"

And that this Free Conference Committee report be adopted.

For the Senate:

Hockett  
Rye

For the House:

Bohlinger, Chairman  
Simon

Free Conference Committee  
on Senate Bill 310  
Report No. 1, April 21, 1993

Mr. President and Mr. Speaker:

We, your Free Conference Committee on Senate Bill 310, met and considered: Senate Bill 310 as amended. We recommend that Senate Bill 310 (reference copy - salmon) be amended as follows:

1. Title, line 18.

Following: "FOR THE"

Insert: "CONDITIONAL"

Strike: "THE FORFEITURE OF"

Insert: "CERTAIN"

2. Title, line 19.

Following: "WATER"

Insert: "DETERMINED BY THE MONTANA SUPREME COURT TO HAVE BEEN FORFEITED"

3. Title, line 21.

Following: "OF"

Insert: "LATE"

4. Title, line 22.

Following: "FILE"

Insert: "LATE"

5. Title, line 25.

Following: "SUCH"

Insert: "LATE"

Following: "CLAIMS;"

Insert: "DIRECTING THE WATER POLICY COMMITTEE, IN COORDINATION WITH CERTAIN STATE AGENCIES, TO CONDUCT AN INTERIM STUDY REGARDING LATE CLAIM ISSUES;"

6. Page 7, line 5.

Strike: "ASSERT"

Insert: "file"

7. Page 7, line 14.

Following: "WHO"

Insert: "have been recognized as having"

8. Page 8, line 17.

Strike: "ADDITIONAL STATEMENTS OF CLAIM"

Insert: "late claims"

Strike: "EXISTING"

Insert: "the use of"

9. Page 8, line 18.

Strike: "RIGHTS"

10. Page 8.

Following: line 18

Insert: "Additionally, the Legislature directs the Water Policy Committee, in coordination with the Department of Justice, the Department of Natural Resources and Conservation, and the Reserved Water Rights Compact Commission, to conduct an interim study regarding certain late claim issues."

11. Page 10, line 16.

Following: "A CLAIM"

Insert: "to an existing right"

12. Page 10, lines 24 and 25.

Strike: "For" on line 24 through "interest." on line 25

13. Page 13, line 17.

Following: "A CLAIM"

Insert: "to an existing right"

14. Page 13, line 25 through page 14, line 1.

Strike: "For" on page 13, line 25 through "interest." on page 14, line 1

15. Page 18, line 2.

Following: "state"

Insert: "and to be maintained in that location through July 1, 1996"

16. Page 18, line 11.

Strike: "person who failed to file a"

17. Page 18, line 12.

Following: "right"

Insert: "not filed with the department"

18. Page 18, lines 12 and 13.

Strike: "file such claim"

Insert: "be filed"

19. Page 18, line 17.

Strike: "AS" through "COURT."

20. Page 18, line 22.

Following: "right"

Insert: "-- filing late claim"

21. Page 19, line 17.

Strike: "person who failed to file a"

22. Page 19, line 18.

Following: "right"

Insert: "not filed with the department"

23. Page 19, line 19.

Strike: "file"

Insert: "be filed"

24. Page 19, lines 19 and 20.

Strike: "a claim of an existing water right"

25. Page 19, line 22.

Strike: "a person who may have filed"

Insert: "the filing of a late claim in addition to"

26. Page 19, line 23.

Following: "right"

Insert: "filed"

27. Page 19, lines 23 and 24.

Strike: "from filing an additional claim under this section"

28. Page 20, line 1.

Following: "claim"

Insert: "and is not an abandoned right"

29. Page 20, lines 4 through 7.

Strike: "Within" on line 4 through "those" on line 7

Insert: "The"

30. Page 20, line 19.

Strike: "INCLUSION OF THE LATE CLAIM IN THE ADJUDICATION"

Insert: "date of filing"

31. Page 20, line 20.

Strike: "ASSERTING"

Insert: "filing"

32. Page 20, line 25 through page 21, line 2.

Following: "1982" on line 25

Strike: the remainder of subsection (b) through "1982" on page 21, line 2

33. Page 21, line 5.

Strike: "ASSERTING"

Insert: "filing"

34. Page 22, lines 9 through 13.

Strike: "BY" on line 9 through "OR" on line 13

Insert: "under 85-2-233, finds"

35. Page 22, line 15.

Following: "BY THE WATER JUDGE"

Insert: "or is otherwise without merit"

36. Page 22, line 18 through page 23, line 16.

Strike: subsections (e) and (f) in their entirety

Insert: "(e) a right represented in a late claim is subordinate to all federal and Indian reserved water rights established by compact or decree under this chapter;

(f) unless a late claim either was placed in the United States mail and postmarked on or before April 30, 1982, or, if there is no evidence of the date of mailing, there is evidence of execution on or before April 30, 1982, and actual receipt by the department on or before May 7, 1982, the right represented in the claim is, in addition, subordinate to:

(i) rights represented in all valid, timely filed claims; and

(ii) rights represented in a permit or reservation of water issued under this chapter if and to the extent that the person holding the permit or reservation files an objection under this part and proves that the person holding the permit or reservation reasonably relied to the detriment of the person holding the permit or reservation upon the failure of the claimant to file a claim on or before April 30, 1982."

37. Page 24, line 18.

Strike: "\$100"

Insert: "\$150"

38. Page 24, line 20.

Following: "ACCOUNT"

Insert: "for the examination of late claims by the department and for the publication of notices by the department as required under 85-2-213(2)"

39. Page 24, line 21.

Strike: "IF" through "THE"

Insert: "The"

40. Page 24, lines 22 and 23.

Strike: "AN" on line 22 through "CLAIM" on line 23

Insert: "against the late claimant all reasonable administrative costs and expenses that may be incurred by the court due to the filing of the late claim and the consideration of the objection"

41. Page 24, line 23.

Strike: "FEE"

Insert: "assessment"

42. Page 25, lines 4 through 6.



Strike: "the entry" on line 4 through "filed" on line 6

Insert: "a date to be established by the department by rule, but no later than July 1, 1999"

43. Page 39.

Following: line 7

Insert: "NEW SECTION. Section 10. Late claim interim study -- water policy committee. (1) The water policy committee, in coordination with the department of justice, the department of natural resources and conservation, and the reserved water rights compact commission, shall conduct an interim study analyzing the need for and desirability and impacts of allowing the remission of forfeited water rights in addition to the remissions authorized under the provisions of [this act]. The study must analyze the impacts of additional forfeiture remission on:

(a) the general stream adjudication process, including but not limited to the issues of adequacy and Montana's and the federal government's concurrent water rights adjudication jurisdiction;

(b) the federal government and Indian tribes regarding existing and future negotiated water rights compacts, including but not limited to the issues of equal protection;

(c) timely claimants' water use;

(d) timely claimants' legal rights, including but not limited to constitutional requirements regarding the taking of property;

(e) the potential reduction in agricultural production resulting from not granting additional forfeiture remissions and the associated social and economic impacts;

(f) the issue of fairness to both late and timely claimants;

(g) the potential increased costs to the state and to late and timely claimants;

(h) potential losses in revenue to the state resulting from the state's failure to file claims to existing water rights on or before April 30, 1982;

(i) implications involving the state's trust responsibilities;

(j) potential litigation against the state by private parties; and

(k) impacts on municipal and county governments resulting from late claims.

(2) The study must include an analysis of the potential for identifying individuals or classes of individuals whose additional forfeiture remission could be authorized in a manner that would have an acceptable impact on those issues identified under subsection (1). The classes of late claimants include but are not limited to previously decreed water rights holders and classes established according to filing date.

(3) The study must be completed in consultation with other relevant state and federal agencies, relevant

groups and organizations, and other interested and affected citizens.

(4) The water policy committee shall report the results of the study to the 54th legislature by October 1, 1994. The report must include any legislative or other policy options recommended by the water policy committee.

NEW SECTION. Section 11. Saving clause. [This act] does not affect proceedings that were begun before [passage and approval of this act] in which relief for damages have been sought based upon the diversion, impoundment, or withdrawal of water without a water right established under state law."

Renumber: subsequent sections

44. Page 39, line 8.

Following: "SEVERABILITY"

Insert: "-- partial nonseverability"

Following: "."

Insert: "(1)"

45. Page 39.

Following: line 13

Insert: "(2) It is the intent of the legislature that each part of [this act] is essentially dependent upon [section 4], which amends 85-2-221, and that if one part of [section 4], except subsection (3)(f)(ii), is held unconstitutional or invalid, all other parts of [this act] are invalid."

46. Page 39, lines 14 through 20.

Strike: section 11 in its entirety

Renumber: subsequent section

And that this Free Conference Committee report be adopted.

For the Senate:

For the House:

Doherty, Chairman  
Grosfield

Anderson, Chairman  
Bachini  
Brandewie

### **SPECIAL ORDERS OF THE DAY**

Mr. Speaker appointed Representatives Cobb and Pavlovich to escort the Legislative Auditor, Scott Seacat, and his office staff into the House Chamber.

Mr. Speaker introduced Mr. Seacat to the members of the House and asked Mr. Seacat to introduce his staff. Representatives Cobb and Pavlovich then escorted the Legislative Auditors from the House Chamber.

Mr. Speaker appointed Representatives Menahan and Peterson to escort the Director of the Legislative Council, Bob Person, and his office staff into the House Chamber.

Mr. Speaker introduced Mr. Person to the members of the House and asked Mr. Person to introduce his staff. Representatives Menahan and Peterson then escorted the Legislative Council staff from the House Chamber.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Elliott in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 567** - Representative Foster moved Governor's amendments to HB 567 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brown, Clark, Cobb, Daily, DeBruycker, Elliott, Ellis, Endy, Fagg, Feland, Fisher, Foster, Gilbert, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Herron, Hibbard, J. Johnson, Kasten, Keller, Knox, Mason, McCarthy, McCulloch, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Quilici, Rehbein, J. Rice, Rose, Sayles, Simon, Simpkins, Smith, Spring, Stovall, Swanson, Tash, Tunby, Wagner, Wallin, Winslow, Zook, Mr. Speaker.  
Total 64

Noes: Brooke, Cocchiarella, Davis, Dolezal, Dowell, Driscoll, Ewer, Galvin, Gervais, Hansen, Harper, Harrington, R. Johnson, Kadas, Larson, McCaffree, Menahan, Peterson, Raney, Ream, S. Rice, Russell, Ryan, Schwinden, Schye, Squires, Stanford, Strizich, Toole, Tuss, Wanzenried, Whalen, Wiseman, Wyatt.  
Total 34

Excused: None.  
Total 0

Absent or not voting: Grady, Vogel.  
Total 2

**HB 13** - Representative Benedict moved the free conference committee report to HB 13 be adopted. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, Kadas, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole,

Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Winslow, Wiseman, Zook,  
Mr. Speaker.  
Total 93

Noes: Gilbert, R. Johnson, Kasten, Peterson, Rehbein, Whalen, Wyatt.  
Total 7

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 4** - Representative Benedict moved consideration of the free conference committee report to HB 4 be placed at the bottom of the second reading board. Motion carried.

**HB 142** - Representative Anderson moved the conference committee report to HB 142 be adopted. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Hansen, H.S. Hanson, M. Hanson, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Keller, Knox, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Sayles, Schye, Simon, Simpkins, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 87

Noes: Benedict, Dowell, Kasten, Larson, Rehbein, Russell, Ryan, Schwinden, Smith, Whalen.  
Total 10

Excused: None.  
Total 0

Absent or not voting: Grinde, Harper, Kadas.  
Total 3

**SB 310** - Representative Anderson moved the free conference committee report to SB 310 be adopted. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gilbert, Grady, Grimes, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich,



Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Ryan, Sayles, Schye, Simon, Simpkins, Smith, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Tunby, Vogel, Wagner, Wallin, Wanzenried, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 86

Noes: Bergsagel, Cobb, DeBruycker, Feland, Gervais, Grinde, Hansen, Kadas, Russell, Schwinden, Spring, Toole, Tuss, Whalen.

Total 14

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 342** - Representative Driscoll moved the conference committee report to SB 342 be adopted. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook.

Total 94

Noes: DeBruycker, Peterson, Rehbein, Wallin.

Total 4

Excused: None.

Total 0

Absent or not voting: Grady, Mr. Speaker.

Total 2

Representative Grinde moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman Elliott moved the adoption of the committee report. Report adopted. (85-12)

### THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 567**, Governor's amendments, concurred in as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brown, Clark, Cobb, Daily, DeBruycker, Ellis, Endy, Fagg, Feland, Fisher, Foster, Gilbert, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Herron, Hibbard, J. Johnson, Kasten, Keller, Knox, Mason, McCarthy, McCulloch, Menahan, Mills, Molnar, T. Nelson, Orr, Pavlovich, Peck, Quilici, Rehbein, J. Rice, S. Rice, Rose, Sayles, Schwinden, Simon, Simpkins, Smith, Spring, Squires, Stovall, Swanson, Tash, Tunby, Vogel, Wagner, Wallin, Winslow, Wiseman, Zook, Mr. Speaker.  
Total 68

Noes: Brooke, Cocchiarella, Davis, Dolezal, Dowell, Driscoll, Elliott, Ewer, Galvin, Gervais, Harper, Harrington, R. Johnson, Kadas, Larson, McCaffree, L. Nelson, Peterson, Raney, Ream, Russell, Ryan, Stanford, Strizich, Toole, Tuss, Wanzenried, Whalen, Wyatt.  
Total 29

Excused: None.  
Total 0

Absent or not voting: Grady, Hansen, Schye.  
Total 3

**HB 13**, free conference committee report, adopted as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, Kadas, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Swanson, Tash, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Winslow, Wiseman, Zook, Mr. Speaker.  
Total 92

Noes: Gilbert, R. Johnson, Kasten, Toole, Whalen, Wyatt.  
Total 6

Excused: None.  
Total 0

Absent or not voting: Grady, Strizich.  
Total 2

**HB 142**, conference committee report, adopted as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Bergman, Bergsagel, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Driscoll, Elliott, Ellis,

Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Sayles, Schye, Simon, Simpkins, Spring, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 86

Noes: Benedict, Bird, Dowell, Kasten, Larson, Rehbein, Russell, Ryan, Schwinden, Smith, Squires, Wanzenried, Whalen.

Total 13

Excused: None.

Total 0

Absent or not voting: Harrington.

Total 1

**SB 310**, free conference committee report, adopted as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gilbert, Grady, Grimes, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kasten, Keller, Knox, Larson, Mason, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Ryan, Sayles, Schye, Simon, Simpkins, Smith, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 84

Noes: Barnett, Bergsagel, Cobb, DeBruycker, Feland, Gervais, Grinde, Hansen, Kadas, McCaffree, Peterson, Rehbein, Russell, Schwinden, Spring, Whalen.

Total 16

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**SB 342**, conference committee report, adopted as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper,

April 22, 1993

Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 99

Noes: DeBruycker.

Total 1

Excused: None.

Total 0

Absent or not voting: None.

Total 0

### REPORTS OF STANDING COMMITTEES

BILLS (Hayne, Chairman):

4/22/93

Examined by the sponsor and found to be correct:

HB 46 - J. Johnson  
HB 65 - Cocchiarella  
HB 190 - Mason  
HB 287 - Wiseman  
HB 323 - McCarthy  
HB 548 - Strizich  
HB 572 - Galvin  
HB 688 - Grinde  
HB 689 - Fisher

JUDICIARY (Fagg, Chairman):

4/22/93

**HB 693**, introduced bill, be amended as follows:

1. Page 1, line 20.

Following: line 19

Insert: "NEW SECTION. Section 2. Appointments -- 1993. If [this act] is not approved before final adjournment of the 53rd legislature and in time for the senate committee on committees and the speaker of the house to make appointments, the committee on committees and the speaker of the house may make the appointments within 30 days after [the effective date of this act], and for this purpose, 5-19-102(3) does not apply and the committee on committees may meet by teleconference."

Renumber: subsequent section

And, as amended, do pass. Report adopted.

NATURAL RESOURCES (Knox, Chairman):

4/22/93

**SJR 34**, third reading copy, be concurred in. Report adopted.



**MOTIONS**

Representative McCulloch moved to override Governor's veto to SB 339. Motion failed. (61-38) [Requires two-thirds vote.]

Representative Raney moved SB 338 be taken from the table in the Committee on Natural Resources, printed, and placed on second reading this legislative day.

Representative Boharski moved for previous question.

Representative Raney then closed on his motion to take SB 338 from the Committee on Natural Resources and place it on second reading. Motion failed. (47-53)

Representative Grinde moved the House recess until 4:15 p.m. Motion carried.

House recessed at 2:35 p.m.

House reconvened at 4:20 p.m. Mr. Speaker in the Chair.

**REPORTS OF STANDING COMMITTEES**

BILLS (Hayne, Chairman):

4/22/93

Correctly printed for second reading: HB 693.

Examined by the sponsor and found to be correct:

HB 427 - Cobb

HB 581 - S. Rice

Signed by the Speaker at 10:00 a.m., 4/22/93: SJR 3.

**MESSAGES FROM THE GOVERNOR**

The Honorable John Mercer  
Speaker of the House  
State Capitol  
Helena, Montana 59620

April 22, 1993

Dear Representative Mercer:

Please be informed that I have signed House Bills 49, 157, 169, 220, 522, 608, and 668 on April 22, 1993.

Sincerely,

MARC RACICOT  
Governor

**MOTIONS**

Representative Grinde moved the rules be suspended to permit placement and consideration of HB 693 on second and third readings and transmittal to the Senate this legislative day. Motion carried.

April 22, 1993

Representative Grinde moved the rules be suspended to permit placement and consideration of SJR 34 on second and third readings and transmittal to the Senate this legislative day. Motion carried.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Elliott in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 4** - Representative Quilici moved the free conference committee report to HB 4 be adopted. Motion carried as follows:

Ayes: Anderson, Bardanoue, Barnett, Barnhart, Benedict, Bird, Boharski, Bohlinger, Brandewie, Brooke, Clark, Cocchiarella, Daily, Davis, Dolezal, Dowell, Ellis, Endy, Ewer, Fagg, Feland, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Whalen, Winslow, Wiseman, Zook, Mr. Speaker.  
Total 82

Noes: Bachini, Bergsagel, Brown, Cobb, DeBruycker, Driscoll, Fisher, Hayne, Herron, Kasten, Peck, Rehbein, Spring, Wanzenried, Wyatt.  
Total 15

Excused: None.  
Total 0

Absent or not voting: Bergman, Elliott, Russell.  
Total 3

**HB 693** - Representative Stovall moved HB 693 do pass. Motion carried as follows:

Ayes: Anderson, Bardanoue, Barnett, Benedict, Bergsagel, Bohlinger, Brandewie, Cobb, DeBruycker, Elliott, Ellis, Fagg, Feland, Foster, Grady, Grimes, Grinde, H.S. Hanson, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Mason, McCaffree, Mills, Molnar, T. Nelson, Orr, Peterson, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Simpkins, Smith, Spring, Stovall, Tash, Tunby, Vogel, Wagner, Wallin, Winslow, Wiseman, Zook, Mr. Speaker.  
Total 52

Noes: Bachini, Barnhart, Bergman, Bird, Boharski, Brooke, Brown, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Endy, Ewer, Fisher,

Galvin, Gervais, Gilbert, Hansen, M. Hanson, Harper, Harrington, Hayne, Kasten, Larson, McCarthy, McCulloch, Menahan, L. Nelson, Pavlovich, Peck, Quilici, Raney, Ream, Schwinden, Schye, Simon, Squires, Stanford, Strizich, Swanson, Toole, Tuss, Wanzenried, Whalen, Wyatt.  
Total 47

Excused: None.  
Total 0

Absent or not voting: Clark.  
Total 1

**SJR 34** - Representative Swanson moved SJR 34 be concurred in.

Representative Raney made a substitute motion to revert to the body of the bill for the purpose of amendment. Motion carried.

Representative Raney moved SJR 34, third reading copy, be amended (amendment #1). Amendment #1 failed as follows: (44-54)

Representative Swanson moved her original motion that SJR 34 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnhart, Benedict, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Cobb, Cocchiarella, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Grady, Grimes, Hansen, Harper, Harrington, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Molnar, L. Nelson, T. Nelson, Peck, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 80

Noes: Barnett, Bergman, Bergsagel, Clark, Daily, Feland, Gilbert, Grinde, H.S. Hanson, M. Hanson, Hayne, Herron, Keller, Mills, Orr, Pavlovich, Peterson, Rehbein, Vogel.  
Total 19

Excused: None.  
Total 0

Absent or not voting: Ryan.  
Total 1

Representative Grinde moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman Elliott moved the adoption of the committee report. Report adopted. (84-11)

April 22, 1993

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 4**, free conference committee report, adopted as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bird, Bohlinger, Brandewie, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, Dolezal, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, T. Nelson, Orr, Pavlovich, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Wagner, Wallin, Whalen, Winslow, Wiseman, Zook, Mr. Speaker.  
Total 83

Noes: Bergman, Bergsagel, Boharski, Cobb, DeBruycker, Dowell, Driscoll, Fisher, Hayne, Herron, Kasten, L. Nelson, Peck, Rehbein, Vogel, Wanzenried, Wyatt.  
Total 17

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 693** failed as follows:

Ayes: Anderson, Bardanouve, Barnett, Benedict, Bergsagel, Bohlinger, Brandewie, Clark, Cobb, DeBruycker, Elliott, Ellis, Fagg, Foster, Grady, Grimes, H.S. Hanson, Harrington, Herron, Hibbard, R. Johnson, Keller, Knox, Mason, Mills, Molnar, T. Nelson, Orr, Peterson, Rehbein, J. Rice, Rose, Russell, Sayles, Simpkins, Smith, Stovall, Tash, Tunby, Vogel, Wagner, Wallin, Winslow, Wiseman, Zook, Mr. Speaker.  
Total 46

Noes: Bachini, Barnhart, Bergman, Bird, Boharski, Brooke, Brown, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Endy, Ewer, Feland, Fisher, Galvin, Gervais, Gilbert, Grinde, Hansen, M. Hanson, Harper, Hayne, J. Johnson, Kadas, Kasten, Larson, McCaffree, McCarthy, McCulloch, Menahan, L. Nelson, Pavlovich, Peck, Quilici, Raney, Ream, S. Rice, Ryan, Schwinden, Schye, Simon, Spring, Squires, Stanford, Strizich, Swanson, Toole, Tuss, Wanzenried, Whalen, Wyatt.  
Total 54

Excused: None.  
Total 0

Absent or not voting: None.



Total 0

**SJR 34** concurred in as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnhart, Benedict, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Grady, Grimes, Hansen, Harper, Harrington, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Pavlovich, Peck, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 84

Noes: Barnett, Bergman, Bergsagel, Clark, DeBruycker, Feland, Gilbert, Grinde, H.S. Hanson, M. Hanson, Hayne, Keller, Orr, Peterson, Rehbein, Vogel.

Total 16

Excused: None.

Total 0

Absent or not voting: None.

Total 0

### REPORTS OF STANDING COMMITTEES

BILLS (Hayne, Chairman):

4/22/93

Correctly enrolled: HB 405, HB 427, HB 437, HB 581, HB 658, HB 685.

Examined by the sponsor and found to be correct:

HB 405 - Fisher

HB 437 - Harrington

HB 658 - Schwinden

HB 685 - Grady

Signed by the Speaker at 4:00 p.m., 4/22/93: HB 46, HB 65, HB 190, HB 287, HB 323, HB 548.

### REPORTS OF SELECT COMMITTEES

Conference Committee  
on House Bill 525  
Report No. 1, April 22, 1993

Mr. Speaker and Mr. President:

We, your Conference Committee on House Bill 525, met and considered:

1. Amendments by the Senate Judiciary Committee dated March 27, 1993; and recommend that House Bill 525 (reference copy -- salmon) be amended as follows:

1. Page 4, line 6.

Strike: "BE LESS THAN"

2. Page 4, line 7.

Strike: "\$25,000"

Insert: "exceed \$33,000"

3. Page 4, line 22.

Strike: "\$25,000"

Insert: "\$33,000"

4. Page 5, line 1.

Strike: "\$33,000"

Insert: "\$25,000"

5. Page 5, line 3.

Strike: "\$25,000"

Insert: "\$8,000"

6. Page 6, lines 2 through 5.

Strike: "UNDER" on line 2 through "]" on line 5

7. Page 6, line 6.

Strike: "REVERT"

Insert: "be credited"

And that this Conference Committee report be adopted.

For the House:

For the Senate:

J. Rice, Chairman

Bartlett, Chairman

Kadas

Yellowtail

Tash

Rye

Free Conference Committee  
on House Bill 643  
Report No. 1, April 22, 1993

Mr. Speaker and Mr. President:

We, your Free Conference Committee, met and considered House Bill 643 and recommend as follows:

1. Title, lines 5 and 11.

Following: "MORE"

Insert: "BUT LESS THAN 160 ACRES"

2. Title, line 6.

Following: "RAISING"

Insert: "AND MARKETING"

3. Title, lines 8 through 10.

Strike: "REQUIRING" on line 8 through "." on line 10

4. Page 2, line 17.

Following: "~~acres~~"

Insert: "but less than 160 acres"

5. Page 5, line 2.

Strike: "20"

Insert: "160"

6. Page 5, line 6.

Following: "TO A"

Insert: "residential,"

Following: "COMMERCIAL"

Insert: ", "

Following: "1"

Insert: ", "

7. Page 5, line 9.

Strike: "AND THAT"

Insert: "(b)(i) Contiguous parcels of land of 20 acres or more but less than 160 acres under one ownership are eligible for valuation, assessment, and taxation as agricultural land if"

8. Page 5, line 11.

Strike: "(1)(D)"

Insert: "(1)(c)"

9. Page 5, line 12 through page 6 line 22.

Strike: "AND" on page 5, line 12 through "USE" on page 6, line 22

Following: "1"

Insert: "A parcel of land is presumed to be used primarily for raising agricultural products if the owner or the owner's immediate family members, agent, employee, or lessee markets not less than \$1,500 in annual gross income from the raising of agricultural products produced by the land. The owner of land that is not presumed to be agricultural land shall verify to the department that the land is used primarily for raising and marketing agricultural products.

(ii) Noncontiguous parcels of land that meet the income requirement of subsection (1)(b)(i) are eligible for valuation, assessment, and taxation as agricultural land under subsection (1)(b)(i) if:

(A) the land is an integral part of a bona fide agricultural operation undertaken by the persons set forth in subsection (1)(b)(i) as defined in this section; and

(B) the land is not devoted to a residential, commercial, or industrial use."

Renumber: subsequent subsection

10. Page 6, line 25.

Strike: "ON"

Insert: "by"

Following: "TO"

Insert: ": (i)"

Strike: "CASH"

11. Page 7, line 3.

Following: "PURPOSES"

Insert: "; and

(ii) rental payments made under the federal conservation reserve program or a successor to that program"

12. Page 8, line 17.

Following: "(6)"

Insert: "The department may not classify land less than 160 acres as agricultural unless the owner has applied to have land classified as agricultural land. Land of 20 acres or more but less than 160 acres for which no application for agricultural classification has been made is taxed as provided in 15-6-133(1)(c)."

13. Page 11, line 3.

Following: "APPROPRIATION."

Insert: "(1) There is appropriated to the department of revenue \$90,000 from the general fund for the fiscal year ending June 30, 1995, for the administration of 15-6-133 and 15-7-202, as amended by [this act].

(2)"

And that this Free Conference Committee report be adopted.

For the House:

Gilbert  
Swanson

For the Senate:

Doherty, Chairman  
Eck  
Grosfield

### **MOTIONS**

Representative Grinde moved the House recess until 5:30 p.m. Motion carried.

House recessed at 5:10 p.m.

House reconvened at 5:35 p.m. Mr. Speaker in the Chair.

Mr. Speaker announced the House would recess again to discuss the ninetieth legislative day's schedule.

Representative Grinde moved the House recess until 6:00 p.m. Motion carried.

House recessed at 5:36 p.m.

House reconvened at 6:05 p.m. Mr. Speaker in the Chair.

Mr. Speaker announced the House would recess for caucus.

Representative J. Rice moved the House recess until 7:30 p.m. Motion carried.



House recessed at 6:06 p.m.

House reconvened at 7:31 p.m. Mr. Speaker in the Chair.

### REPORTS OF SELECT COMMITTEES

Conference Committee  
on Senate Bill 271  
Report No. 1, April 22, 1993

Mr. President and Mr. Speaker:

We, your Conference Committee on Senate Bill 271, met and considered: House amendments to Senate Bill 271. We recommend that Senate Bill 271 (reference copy - salmon) be amended as follows:

1. Title, line 9.

Following: "FOR"

Strike: "A"

Following: "BOARDS"

Strike: "BOARD"

Insert: "BOARDS"

2. Title, line 12.

Following: "AN"

Insert: "AN"

3. Title, line 13.

Strike: "DATES"

Insert: "DATE"

4. Page 2, line 20.

Following: "DESIGNATE"

Strike: "A"

Following: "JUDICIAL"

Strike: "DISTRICT"

Insert: "districts"

Following: "OPERATE"

Strike: "THE"

Insert: "a"

5. Page 3, line 1.

Page 3, line 2.

Page 3, line 9.

Page 3, line 14.

Page 4, line 18.

Page 5, line 6.

Page 5, line 17.

Page 7, line 19.

Page 12, line 24.

Page 20, line 22.

Strike: "THE"

Insert: "a"

6. Page 26, lines 17 and 18.

Following: "FUND" on line 17

Strike: remainder of line 17 and line 18 in its entirety

Insert: "Montana supreme court"

7. Page 27, lines 6 through 13.

Strike: sections 19 and 20 in their entirety

Insert: "NEW SECTION. Section 19. Effective date. [This act] is effective  
July 1, 1993."

And that this Conference Committee report be adopted.

For the Senate:

For the House:

Jacobson, Chairman  
Beck  
Christiaens

Simpkins, Chairman  
Smith  
Strizich

### MESSAGES FROM THE GOVERNOR

The Honorable John Mercer  
Speaker of the House  
State Capitol  
Helena MT 59620

April 22, 1993

The Honorable Fred Van Valkenburg  
President of the Senate  
State Capitol  
Helena MT 59620

Dear Speaker Mercer and President Van Valkenburg:

In accordance with the power vested in me as Governor by the Constitution and laws of the State of Montana, I hereby return House Bill 671, "AN ACT GENERALLY REVISING INDIVIDUAL INCOME TAX LAWS AND AMENDING CORPORATE LICENSE AND INCOME TAX LAWS; PROVIDING A SINGLE INCOME TAX RATE; REPLACING ITEMIZED INCOME TAX DEDUCTIONS WITH STANDARD DEDUCTIONS AND INCREASING THE EXEMPTION AMOUNT; CHANGING THE METHOD OF INDEXING THE STANDARD DEDUCTION AND EXEMPTION AMOUNTS; PROVIDING FOR ONE-TIME TAX CREDIT RESULTING FROM GAIN FROM THE SALE OF A BUSINESS HELD FOR 15 OR MORE YEARS; INCREASING THE RATE OF THE CORPORATE LICENSE OR INCOME TAX FOR CORPORATIONS WITH TAXABLE INCOME OVER \$500,000; INCREASING THE MINIMUM CORPORATE TAX TO \$100; INCREASING THE SMALL BUSINESS CORPORATION MINIMUM FEE TO \$25; AMENDING SECTIONS 13-37-218, 15-30-101, 15-30-103, 15-30-105, 15-30-111, 15-30-112, 15-30-117, 15-30-122, 15-30-126, 15-30-131, 15-30-137, 15-30-142, 15-30-323, 15-31-121, 15-31-131, 15-31-202, 15-31-204, AND 15-32-303, MCA; REPEALING SECTIONS 15-30-121, 15-30-156, 15-30-157, 15-30-159, 15-30-160, AND 15-30-199, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A RETROACTIVE APPLICABILITY DATE" with the attached amendments for the following reasons.

The proposed amendments allow the provisions of House Bill 671 to apply to all Montanans fairly and proportionately. House Bill 671 in its present form does not require that.

I am also returning House Bill 671 at this point in order for members of both houses to know its precise provisions before they finally consider Senate Bill 235. I want to advise as well that in the event Senate Bill 235 does not pass both houses of the Legislature, then I will not be in a position to act favorably upon House Bill 671 in the event it is returned to me for further consideration.

I urge your adoption of the proposed amendments.

Sincerely,

MARC RACICOT  
Governor

GOVERNOR'S AMENDMENTS  
TO HOUSE BILL 671

1. Page 2, line 17.

Following: "price index"

Strike: "for Montana"

2. Page 2, line 22.

Following: "department of labor"

Strike: ", multiplied by 0.5"

3. Page 3, lines 20 and 21.

Following: "price index" on line 20

Strike: "for Montana"

4. Page 3, line 22.

Following: "index"

Strike: "for Montana"

Following: "1993"

Insert: ", then subtracting 1, then multiplying by 0.5, then adding 1"

Following: "June"

Strike: ", "

5. Pages 6, line 13 through page 8, line 5.

Following: line 12 on page 6

Strike: Section 2 in its entirety

Re-number: subsequent sections

6. Page 8, line 10.

Following: "~~1968~~"

Strike: "1994"

Insert: "1992"

7. Page 8, line 13.

Following: "7-4"

Strike: "7.3%"  
Insert: "6.7%"

8. Page 9, line 21.  
Following: "exceed"  
Strike: "7.4%"  
Insert: "6.7%"

9. Page 14, lines 9 and 10.  
Following: "of the" on line 9  
Strike: "wages and salary"  
Insert: "earned income"

10. Page 14, line 11.  
Following: "of"  
Strike: "wages and salary"  
Insert: "earned income"

11. Page 16, line 24.  
Following: "~~\$800~~"  
Strike: "\$3,500"  
Insert: "\$3,000"

12. Page 17, line 4.  
Following: "~~\$800~~"  
Strike: "\$3,500"  
Insert: "\$3,000"

13. Page 17, line 12.  
Following: "~~\$800~~"  
Strike: "\$3,500"  
Insert: "\$3,000"

14. Page 17, line 16.  
Following: "~~\$800~~"  
Strike: "\$3,500"  
Insert: "\$3,000"

15. Page 18, line 10.  
Following: "~~\$800~~"  
Strike: "\$3,500"  
Insert: "\$3,000"

16. Page 18, line 15.  
Following: line 14  
Strike: "\$3,500"  
Insert: "\$3,000"

17. Page 19, line 21.  
Following: "BY"  
Strike: "10%"  
Insert: "7%"



18. Page 19, line 22.

Following: "OF"

Strike: "\$150,000"

Insert: "\$130,000"

19. Page 21, line 23.

Following: line 22

Strike: "LESS THAN \$2,000 \$2,500 OR"

20. Page 22, line 3.

Following: "NOT"

Strike: "LESS THAN \$4,000 OR"

21. Page 22, lines 8 and 9.

Following: "NOT" on line 8

Strike: "LESS THAN \$3,000 OR"

22. Page 22, lines 15 and 16.

Following: "NOT" on line 15

Strike: "LESS THAN \$2,000 OR" on line 16

23. Page 22, line 18.

Following: "BY"

Strike: "10%"

Insert: "7%"

24. Page 22, line 19.

Following: "OF"

Strike: "\$150,000"

Insert: "\$130,000"

### MOTIONS

Representative Grinde moved that all rules be suspended to allow any member of the House excused on the ninetieth legislative day to be allowed to vote absentee on any business that may come before the House. A "call of the House" does not apply to any member excused that day. Motion carried.

### SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative L. Nelson in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 671** - Representative Gilbert moved Governor's amendments to HB 671 be not concurred in. Motion carried as follows:

April 22, 1993

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Endy, Ewer, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Spring, Squires, Stanford, Stovall, Swanson, Tash, Toole, Tunby, Tuss, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Zook, Mr. Speaker.

Total 90

Noes: Bergsagel, Ellis, Fagg, Feland, Keller, Rehbein, Smith, Strizich, Vogel, Wyatt.

Total 10

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Grinde moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman L. Nelson moved the adoption of the committee report. Report adopted. (91-8)

### MOTIONS

Representative Grinde moved the Speaker be authorized to appoint a free conference committee to meet with a like committee from the Senate to confer on HB 671. Motion carried.

Mr. Speaker appointed the following members:

Representative Gilbert, Chairman  
Representative M. Hanson  
Representative Elliott

Representative Grinde moved the Speaker be authorized to appoint a free conference committee to meet with a like committee from the Senate to confer on SB 235. Motion carried.

Mr. Speaker appointed the following members:

Representative J. Rice, Chairman  
Representative Foster  
Representative Hibbard  
Representative Ream  
Representative Swanson

Representative Stovall moved the House reconsider its action on HB 693 taken on third reading this legislative day. Motion carried. (54-46)

### THIRD READING OF BILLS

The following bill having been read three several times, title and history agreed to, was disposed of in the following manner:

**HB 693** passed as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Benedict, Boharski, Bohlinger, Brandewie, Clark, Cobb, DeBruycker, Elliott, Ellis, Fagg, Feland, Foster, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Hayne, Herron, Hibbard, R. Johnson, Keller, Knox, Mason, Mills, Molnar, T. Nelson, Orr, Peterson, Rehbein, J. Rice, Rose, Russell, Sayles, Simon, Simpkins, Smith, Spring, Stovall, Tash, Tunby, Vogel, Wagner, Wallin, Wiseman, Zook, Mr. Speaker.

Total 52

Noes: Barnhart, Bergman, Bird, Brooke, Brown, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Endy, Ewer, Galvin, Gervais, Gilbert, Harper, Harrington, J. Johnson, Kadas, Kasten, Larson, McCaffree, McCarthy, McCulloch, Menahan, Pavlovich, Peck, Quilici, Raney, Ream, S. Rice, Ryan, Schwinden, Schye, Squires, Stanford, Strizich, Swanson, Toole, Tuss, Wanzenried, Whalen, Wyatt.

Total 44

Excused: None.

Total 0

Absent or not voting: Bergsagel, Fisher, L. Nelson, Winslow.

Total 4

### ANNOUNCEMENTS

Committee meetings were announced by committee chairmen.

Representative Grinde moved the House adjourn until 8:00 a.m., Saturday, April 24, 1993. Motion carried.

House adjourned at 7:50 p.m.

John Mercer, Speaker

Marilyn Miller, Chief Clerk

## **NINETIETH LEGISLATIVE DAY**

Helena, Montana  
April 24, 1993

House Chambers  
State Capitol

House convened at 8:00 a.m. Mr. Speaker in the Chair.

Upon giving the invocation, Representative Grimes asked for a silent prayer in memory of Senator Thomas Hager, who passed away this morning. Pledge of Allegiance to the Flag followed.

Roll call. All members present except Hansen, Mason, Pavlovich, excused. Quorum present.

Mr. Speaker: We, your committee on Legislative Administration/Bills and Journal, having examined the daily journals for the eighty-sixth and eighty-seventh legislative days, find the same to be correct.

Harriet Hayne, Chairman

Mr. Speaker introduced this week's pages:

John Reeves, Great Falls (permanent page)  
Christina Stites, Miles City  
Anna Tomich, Boulder  
Shanon Dell, Laurel  
Robert Pfister, Hot Springs  
Kiely Howard, Great Falls  
Vincent Iacopini, Billings  
Heather Bell, Billings  
Tawni Sherry, Missoula  
Scott Stringham, Kalispell  
Kelly Weak, Kalispell  
Toby Dallum, Cascade

### **SPECIAL ORDERS OF THE DAY**

Mr. Speaker appointed Representatives Bardanouve and Zook to escort the Legislative Fiscal Analyst, Teresa Olcott Cohea, and her office staff into the House Chamber.

Mr. Speaker introduced Ms. Cohea and then asked her to introduce her staff. After introductions and a brief summary of their duties, Representatives Bardanouve and Zook escorted them from the Chamber.

Mr. Speaker appointed Representatives Cocchiarella and Grady to escort the Environmental Quality Council's Executive Director, Deborah Schmidt, and her staff into the House Chamber.

Mr. Speaker introduced Ms. Schmidt and then asked her to introduce her staff. After introductions, Representatives Cocchiarella and Grady escorted them from the Chamber.

### **REPORTS OF STANDING COMMITTEES**

BILLS (Hayne, Chairman):

4/23/93



Signed by the Speaker at 6:00 p.m., 4/22/93: HB 405, HB 427, HB 437, HB 572, HB 581, HB 658, HB 685, HB 688, HB 689.

Signed by the Speaker at 3:00 p.m., 4/23/93: SB 15, SB 121, SB 362, SB 424, SB 438, SJR 28.

Delivered to the Governor for his approval at 2:46 p.m., 4/23/93: HB 3, HB 145, HB 327, HB 372, HB 469, HB 517, HB 616, HB 651, HB 673, HB 679.

Delivered to the Governor for his approval at 3:20 p.m., 4/23/93: HB 11, HB 167, HB 193, HB 273, HB 333, HB 483, HB 505, HB 516, HB 519, HB 555, HB 588, HB 642.

Delivered to the Governor for his approval at 5:00 p.m., 4/23/93: HB 46, HB 65, HB 190, HB 287, HB 323, HB 405, HB 427, HB 437, HB 548, HB 572, HB 581, HB 658, HB 685, HB 688, HB 689.

### REPORTS OF SELECT COMMITTEES

Free Conference Committee  
on House Bill 504  
Report No. 1, April 23, 1993

Mr. Speaker and Mr. President:

We, your Free Conference Committee, met and considered House Bill 504 and recommend as follows:

(EMPLOYER TAX 0.5%, EMPLOYEE TAX 0.2%, EXPANDED SELF-EMPLOYED BASE at 0.2%, CLOSELY-HELD AND SUB S. CORPS ONLY PAY EMPLOYEE TAX, RR EXCEPTION, TERMINATES 2007, \$80 MILLION TRIGGER, APPROPRIATIONS)

1. Title, line 6.

Following: "AN ACT"

Insert: "CREATING THE WORKERS' COMPENSATION OLD FUND LIABILITY TAX BY"

2. Title, line 8.

Following: "TAX"

Insert: "AND EXPANDING THE TAX BASE TO INCLUDE EMPLOYEES AND OTHERS RECEIVING COMPENSATION IN MONTANA"

3. Title, line 10.

Following: "APPROPRIATIONS;"

Insert: "PROVIDING APPROPRIATIONS; REVISING THE INTEREST RATE OF LOANS FROM THE TAX USED TO FINANCE THE OLD FUND UNFUNDED LIABILITY;"

4. Title, line 11.

Following: "~~39-71-406~~,"

Insert: "15-30-207, 39-71-406,"

Following: "~~39-71-2502~~,"

Insert: "39-71-2354, 39-71-2501, 39-71-2502,"

5. Title, line 13.

Following: the first "DATE"

Strike: "AND"

Insert: ", "

Following: the second "DATE"

Insert: ", AND A RETROACTIVE APPLICABILITY DATE"

6. Page 2, line 13.

Strike: "extend" through "by"

Insert: "create an old fund liability tax provided for in"

7. Page 5, line 5.

Following: line 4

Insert: "Section 2. Section 39-71-2501, MCA, is amended to read:

"39-71-2501. Definitions. As used in this part, the following definitions apply:

(1) "Department" means the department of revenue provided for in 2-15-1301.

(2) "Employee" includes an officer, employee, or elected public official of the United States, the state of Montana, or any political subdivision of the United States or the state of Montana or any agency or instrumentality of the United States, the state of Montana, or a political subdivision of the United States or the state of Montana. The term "employee" also includes an officer of a corporation.

(2)(3) (a) "Employer" ~~has the meaning set forth in 39-71-117~~ means, except as provided in subsection (3)(b), the person for whom an individual performs or performed any service, of whatever nature, as an employee of the person.

(b) If the person for whom the individual performs or performed the service does not have control of the payment of the wages for the service, the term employer means the person who has control of the payment of wages.

(3)(4) "Payroll Employer's payroll" means the payroll of an employer ~~wages paid~~ for each of the calendar quarters ending March 31, June 30, September 30, and December 31, ~~for all employments covered under 39-71-401.~~

(4)(5) "State fund" means the state compensation mutual insurance fund.

(5)(6) "Tax" means the workers' compensation ~~payroll old fund liability tax~~ provided for in 39-71-2503, ~~created to address the unfunded liability for claims for injuries resulting from accidents that occurred before July 1, 1990.~~

(6)(7) "Tax account" means the workers' compensation tax account created by 39-71-2504.

(8) "Wages" means all remuneration for services performed by an employee for an employer, including the cash value of all remuneration paid in any medium other than cash. The term does not include remuneration paid:

(a) for casual labor not in the course of the employer's trade or business performed in any calendar quarter by an employee unless the cash remuneration paid for the service is \$50 or more and the service is performed by an individual who is regularly employed by the employer to perform the service. For

purposes of this subsection (8)(a), an individual is considered to be regularly employed by an employer during a calendar quarter only if:

(i) on each of 24 days during the calendar quarter, the individual performs service not in the course of the employer's trade or business for the employer for some portion of the day; and

(ii) the individual was regularly employed, as determined under subsection (8)(a)(i), by the employer in the performance of service during the preceding calendar quarter;

(b) for services not in the course of the employer's trade or business, to the extent that remuneration is paid in any medium other than cash, when the payments are in the form of lodging or meals and the payments are received by the employee at the request of and for the convenience of the employer;

(c) to or for an employee as a payment for or a contribution toward the cost of any group plan or program that benefits the employee, including but not limited to life insurance, hospitalization insurance for the employee or the employee's dependents, and employees' club activities;

(d) as wages or compensation, the taxation of which is prohibited by federal law."

Section 3. Section 39-71-2502, MCA, is amended to read:  
"39-71-2502. Findings and purpose. (1) Based on current liabilities and actuarial analysis, an unfunded liability presently exists in the state fund with regard to claims for injuries resulting from accidents that occurred before July 1, 1990, and it may increase. While legislative action is required to correct the causes of the unfunded liability, those actions will not provide sufficient funds to permit the state fund to pay its existing liabilities and obligations in a timely manner from premium and investment income available to the state fund. Therefore, it is necessary to provide ~~a source~~ other sources of funding for the unfunded liability in addition to premium and investment income.

(2) The police power of the state extends to all great public needs. The state, in the exercise of its police power, has determined that it is greatly and immediately necessary to the public welfare to make workers' compensation insurance available to all employers through the state fund as the insurer of last resort. In making this insurance available, the state fund has incurred the unfunded liability described in subsection (1). The burden of this unfunded liability should not be borne solely by those employers who have insured with the state fund because the availability of insurance to all employers through the state fund has benefited all ~~employers who have workers' compensation coverage; those receiving compensation in Montana. This unfunded liability should not be borne only by employers.~~ Therefore, all employers, employees, sole proprietors, subchapter S. corporation shareholders, partners of partnerships, and members or managers of limited liability companies ~~who have employments covered by the workers' compensation laws~~ should share in the cost of the unfunded liability.

April 24, 1993

(3) The purpose of this part is to provide a supplemental ~~source~~ sources of financing for the unfunded liability."

Renumber: subsequent sections

8. Page 5, lines 6 and 8.

Following: "compensation"

Strike: "payroll"

Insert: "old fund liability"

9. Page 5, lines 9 and 14.

Following: "OF"

Strike: "PAYROLL"

Insert: "old fund liability"

10. Page 5, lines 10 and 15.

Strike: "3"

Insert: "5"

11. Page 5, lines 11 and 12.

Following: "quarter" on line 11

Strike: "for all employments covered under 39-71-401"

12. Page 6, line 9.

Following: "~~taxes~~"

Strike: "THIS PAYROLL"

Insert: "There is imposed on each employee, except workers engaged in the rail industry who are under the jurisdiction of the federal railroad administration, United States department of transportation, an old fund liability tax, as provided in [section 5], on the employee's wages in the preceding calendar quarter.

(c) There is imposed on each business of a sole proprietor, on each subchapter S. corporation shareholder, on each partner of a partnership, and on each member or manager of a limited liability company a workers' compensation old fund liability tax, as provided in [section 5], on the profit of each separate business of a sole proprietor and on the distributive share of ordinary income of each shareholder, partner, or member or manager.

(d) A corporate officer of a subchapter S. corporation who receives wages as an employee of the corporation shall pay the old fund liability tax on both the wages and any distributive share of ordinary income at the employee rate. The subchapter S. corporation is not liable for the tax on the corporate officer's wages.

(e) A corporate officer of a closely held corporation who meets the stock ownership test under section 542(a)(2) of the Internal Revenue Code and receives wages as an employee of the corporation is required to pay the old fund liability tax only on the wages received. The corporation is not liable for the tax on the corporate officer's wages.

(f) This old fund liability"

Renumber: subsequent subsection

13. Page 7, line 3.

Following: "the"



Strike: "employer's payroll"

Insert: "old fund liability tax"

14. Page 7, line 15.

Following: line 14

Insert: "(h) An employee does not have any right of action against an employer for any money deducted and withheld from the employee's wages and paid to the state in compliance or intended compliance with this section.

(i) The employer is liable to the state for any amount of old fund liability taxes, plus interest and penalty, when the employer fails to withhold from an employee's wages or fails to remit to the state the old fund liability tax required by this section.

(j) A sole proprietor, subchapter S. corporation shareholder, partner of a partnership, or member or manager of a limited liability company is liable to the state for the old fund liability tax, plus interest and penalty, when the sole proprietor, shareholder, partner, or member or manager fails to remit to the state the old fund liability tax required by this section."

15. Page 7, line 18.

Following: "against"

Strike: "employers"

Insert: "persons"

16. Page 8, line 4.

Following: "TIME"

Insert: "and in addition shall remit withholdings for employees' old fund liability taxes at the same time"

17. Page 8, line 9.

Following: "time"

Insert: "and shall remit withholdings for employees' old fund liability taxes at the same time"

18. Page 8, line 10.

Strike: "A TAX PAYMENT"

Insert: "Tax payments"

19. Page 8, line 11.

Strike: "SUBSECTION"

Insert: "subsections"

Following: "(1)(b)"

Insert: "and (1)(b)"

20. Page 8, line 16.

Following: line 15

Insert: "(d) Tax payments due from sole proprietors, subchapter S. corporation shareholders, partners of partnerships, and members or managers of limited liability companies must be made with and at the same time as the returns filed pursuant to 15-30-144 and 15-30-241. The department shall first credit a payment to the liability under 15-30-103 or 15-30-202 and shall then credit any

remainder to the workers' compensation tax account provided in 39-71-2504."

21. Page 9, line 18.

Following: "penalties,"

Insert: "estimated taxes,"

22. Page 9, line 20.

Following: "~~employees~~,"

Insert: "to employees, to sole proprietors, to subchapter S. corporation shareholders, to partners of partnerships, to members or managers of limited liability companies,"

23. Page 10, line 23.

Following: "~~THE~~"

Strike: "~~EMPLOYER PAYROLL~~"

Insert: "old fund liability"

24. Page 11, lines 1, 17, and 21.

Strike: "2003"

Insert: "2007"

25. Page 11, line 3.

Following: "COMPENSATION"

Strike: "PAYROLL"

Insert: "old fund liability"

26. Page 11, line 5.

Following: "EMPLOYER"

Strike: "PAYROLL"

Insert: "old fund liability"

27. Page 11, line 7.

Following: "QUARTER"

Strike: "FOR ALL EMPLOYMENTS COVERED BY 39-71-401"

28. Page 11, line 10.

Following: "~~39-71-401~~."

Insert: "(ii) For fiscal year 1994, the employee old fund liability tax is an amount equal to 0.2% of the employee's wages in the preceding calendar quarter.

(iii) For the tax year beginning after December 31, 1992, the old fund liability tax is an amount equal to 0.1% on the profit of each separate business of a sole proprietor and on the distributive share of ordinary income of each subchapter S. corporation shareholder, partner of a partnership, or member or manager of a limited liability company. For tax years beginning after December 31, 1993, the old fund liability tax rate is increased from 0.1% to 0.2%. Every person subject to taxation under this subsection (2)(b)(iii) shall pay a minimum tax of not less than \$25 per entity."

Renumber: subsequent subsections

29. Page 11, lines 11, 12, 14, and 20.

Strike: "PAYROLL"

Insert: "old fund liability"

30. Page 11, line 22.

Strike: "EMPLOYER PAYROLL"

Insert: "old fund liability"

31. Page 11, line 25.

Following: "THE"

Insert: "cumulative"

32. Page 12, line 1.

Following: "FUND"

Insert: "from reserves accumulated from premiums paid to the state fund based on wages payable on or after July 1, 1990, to administer and pay claims for injuries resulting from accidents that occurred before July 1, 1990, not including any outstanding bonds as of [the effective date of this act]"

Strike: "\$50"

Insert: "\$80"

33. Page 12, lines 2 and 6.

Following: "ON THE"

Strike: "EMPLOYER"

Insert: "persons subject to the old fund liability tax"

34. Page 12, line 9.

Following: "ON"

Strike: "EMPLOYERS"

Insert: "persons subject to the old fund liability tax"

35. Page 14, line 25.

Following: line 24

Insert: "Section 7. Section 15-30-207, MCA, is amended to read:

"15-30-207. Annual statement by employer. (1) Every employer shall, on or before February 28 in each year, file with the department a wage and tax statement for each employee in such form and summarizing such information as the department requires, including the total wages paid to the employee during the preceding calendar year or any part thereof and showing the total amount of the federal income tax deducted and withheld from such wages and the total amount of the tax deducted and withheld therefrom under the provisions of 15-30-201 through 15-30-209 and 39-71-2503.

(2) The annual statement filed by an employer with respect to the wage payments reported constitutes full compliance with the requirements of 15-30-301 relating to the duties of information agents, and no additional information return is required with respect to such wage payments.

(3) In addition to any other penalty provided by law, the failure of an employer to furnish a statement as required by subsection (1) subjects the employer to a penalty of \$5 for each

failure, provided that the minimum penalty for failure to file the statements required on or before February 28 of each year shall be \$50. This penalty may be abated by the department upon a showing of good cause by the employer. The penalty may be collected in the same manner as are other tax debts."

Section 8. Section 39-71-406, MCA, is amended to read:

"39-71-406. Deduction from wages of any part of premium a misdemeanor. It is unlawful for the employer to deduct or obtain any part of any premium required to be paid by this chapter from the wages or earnings of ~~his~~ the employer's workers, and the making or attempt to make any such deduction is a misdemeanor. The workers' compensation old fund liability tax under 39-71-2503 is not a premium for the purpose of this section."

Section 9. Section 39-71-2354, MCA, is amended to read:

"39-71-2354. Use of ~~payroll old fund liability~~ tax proceeds -- loans -- bonds. (1) Taxes collected under 39-71-2503 may be used only to administer and pay claims for injuries resulting from accidents that occurred before July 1, 1990, including the cost of repaying bonds issued and loan proceeds given under 39-71-2355 and this section. If the state fund determines that, for the next 1 or more years following the date of the determination, the tax revenue, together with funds in the account required by 39-71-2321 for claims for injuries resulting from accidents that occurred before July 1, 1990, will be insufficient to administer and pay those claims, the state fund may, through its board of directors, request the budget director to certify to the board of investments that additional funding is necessary. If the budget director agrees with the state fund's board of directors that additional funding is necessary, the budget director shall certify to the board of investments the amount that the budget director determines is necessary to administer and pay claims for injuries resulting from accidents that occurred before July 1, 1990. Except as provided in subsection (2), the board of investments shall, at times and in amounts it considers necessary or advisable, finance the amount certified by the budget director by giving the state fund the proceeds of a loan or a bond issue to administer and pay claims for injuries resulting from accidents that occurred before July 1, 1990. Loans must be from reserves accumulated from premiums paid to the state fund based upon wages payable on or after July 1, 1990. The board of investments shall choose the method of financing that is most cost-effective for the state fund. A loan must bear interest at the rate that the board of investments determines the money would earn ~~in the pooled investment fund required by 17-6-203 if invested on behalf of the state fund~~. The board of investments may also, upon request of the board of directors of the state fund, give the state fund the proceeds of a bond issue, to be used to pay off loans made under 39-71-2355 and this section. Bonds for the state fund must be workers' compensation bonds issued under 39-71-2355.

(2) The total amount of loan proceeds given to the state fund plus workers' compensation bonds issued under 39-71-2355,



except bonds issued to repay loans as provided for in subsection (1), may not exceed \$220 million. All loan and bond proceeds given to the state fund must be repaid to the board of investments before July 1, 2020."

Renumber: subsequent sections

36. Page 15, line 12.

Following: line 11

Insert: "NEW SECTION. Section 11. Appropriations. (1) There is appropriated \$65,000 from the workers' compensation tax account to the state auditor for fiscal year 1993 for the purpose of making modifications to the state payroll system for an employee old fund liability tax. The unexpended balance of this appropriation is reappropriated for the same purpose to the department of administration for fiscal year 1994.

(2) There is appropriated \$47,190 from the workers' compensation tax account to the department of revenue for fiscal year 1993 for the purpose of implementing an employee old fund liability tax.

(3) There is appropriated \$170,000 in fiscal year 1994 and \$120,000 in fiscal year 1995 from the workers' compensation tax account to the department of revenue for the purpose of administering an employee old fund liability tax."

Renumber: subsequent sections

37. Page 15, lines 13 and 15.

Strike: "3"

Insert: "5"

38. Page 15, line 17.

Strike: "THE" through "PAYROLL"

Insert: "The employers' and the employees' portions of the old fund liability"

39. Page 15, line 18.

Strike: "2 AND 3"

Insert: "4 and 5"

40. Page 15, line 20.

Strike: "COMMENCES"

Insert: "commence"

41. Page 15, line 21.

Following: line 20

Insert: "NEW SECTION. Section 14. Retroactive applicability. The workers' compensation old fund liability tax imposed on sole proprietors, subchapter S. corporation shareholders, partners of partnerships, and members and managers of limited liability companies applies retroactively, within the meaning of 1-2-109, to tax years beginning after December 31, 1992.

NEW SECTION. Section 15. Name change -- directions to code commissioner. Wherever the phrase "payroll tax" appears in Title 39, chapter 71, or in legislation enacted by the 1993

legislature that is intended to be codified in Title 39, chapter 71, the code commissioner is directed to change the phrase to "old fund liability tax".

Renumber: subsequent section

And that this Free Conference Committee report be adopted.

For the House:

For the Senate:

Hibbard  
Cocchiarella

Hockett, Chairman  
Harp

Conference Committee  
on Senate Bill 87  
Report No. 1, April 23, 1993

Mr. President and Mr. Speaker:

We, your Conference Committee on Senate Bill 87, met and considered: House amendments to Senate Bill 87. We recommend that Senate Bill 87 (reference copy - salmon) be amended as follows:

1. Page 16, line 24 through page 17, line 3.  
Strike: section 20 in its entirety  
Renumber: subsequent sections

And that this Conference Committee report be adopted.

For the Senate:

For the House:

Vaughn, Chairman  
Crippen  
Weldon

J. Rice, Chairman  
Harper  
Hibbard

Free Conference Committee  
on Senate Bill 394  
Report No. 1, April 22, 1993

Mr. President and Mr. Speaker:

We, your Free Conference Committee on Senate Bill 394, met and considered: Senate Bill 394 in its entirety. We recommend that Senate Bill 394 (reference copy - salmon) be amended as follows:

1. Title, line 11.  
Strike: "REGULATING"  
Insert: "REQUIRING THE DEPARTMENT OF LABOR AND INDUSTRY TO COLLECT AND REPORT INFORMATION ON"

2. Title, line 12.  
Following: "FEES"  
Insert: "AND LEGAL COSTS"

3. Title, line 13.

Following: "AND"

Strike: the remainder of line 13 through "MCA"

Insert: "PROVIDING AN IMMEDIATE EFFECTIVE DATE"

4. Page 1, line 16 through page 5, line 1.

Strike: section 1 in its entirety

Insert: NEW SECTION. Section 1. Collection of attorney fee and legal cost information -- report. (1) The department shall uniformly collect the information described in subsection (2) as an element of the workers' compensation data base system from all attorneys who represent employees, employers, insurers, and beneficiaries in claims for workers' compensation and occupational disease benefits.

(2) The department shall uniformly collect detailed information regarding attorney fees, legal costs, and other information relevant to the costs of prosecuting and defending claims for workers' compensation and occupational disease benefits.

(3) The department shall compile the information described in subsection (2) by the date of accident and by plan number and file the information with the legislature as provided in 5-11-210.

NEW SECTION. Section 2. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 39, chapter 71, part 2, and the provisions of Title 39, chapter 71, part 2, apply to [section 1].

NEW SECTION. Section 3. Effective date. [This act] is effective on passage and approval."

And that this Free Conference Committee report be adopted.

For the Senate:

For the House:

Halligan, Chairman

Benedict, Chairman

Bartlett

Ewer

Harp

Hibbard

### MESSAGES FROM THE SENATE

Governor's amendments concurred in:

4/22/93

**HB 671**, introduced by Gilbert

House amendments to Senate Joint Resolutions concurred in:

4/22/93

**SJR 29**, introduced by Weeding

**SJR 30**, introduced by Harding

**MESSAGES FROM THE GOVERNOR**

The Honorable John Mercer  
Speaker of the House  
State Capitol  
Helena, Montana 59620

April 22, 1993

Dear Representative Mercer:

Please be informed that I have signed House Bills 233, 308, 367, and 422 on April 22, 1993.

Sincerely,

MARC RACICOT  
Governor

The Honorable John Mercer  
Speaker of the House  
State Capitol  
Helena, Montana 59620

April 23, 1993

Dear Representative Mercer:

Please be informed that I have signed House Bills 7, 9, 181, 529, and 559 on April 23, 1993.

Sincerely,

MARC RACICOT  
Governor

**MOTIONS**

Representative Grinde moved the House dissolve the conference committee on HB 5 and the Speaker be authorized to appoint a free conference committee to meet with a like committee from the Senate to confer on HB 5. Motion carried.

Mr. Speaker appointed the following members:

Representative Grady, Chairman  
Representative Menahan  
Representative Bergsagel

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Hibbard in the Chair.



Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 525** - Representative J. Rice moved the conference committee report to HB 525 be adopted. Motion carried as follows:

Ayes: Anderson, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Bohlinger, Brandewie, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, Dolezal, Elliott, Ellis, Endy, Fagg, Foster, Galvin, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Hayne, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Larson, McCarthy, McCulloch, Menahan, Mills, L. Nelson, T. Nelson, Orr, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Vogel, Wallin, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 76

Noes: Bachini, Bergsagel, Boharski, Cobb, DeBruycker, Dowell, Driscoll, Feland, Fisher, Gervais, Herron, Kasten, McCaffree, Molnar, Peck, Rehbein, Smith, Tuss, Wagner, Wanzenried.

Total 20

Voted Absentee: Hansen, Aye.

Excused: Mason, Pavlovich.

Total 2

Absent or not voting: Ewer, Harrington.

Total 2

**HB 643** - Representative Gilbert moved the free conference committee report to HB 643 be adopted. Motion carried as follows:

Ayes: Anderson, Bardanouve, Barnett, Barnhart, Bergman, Bird, Bohlinger, Brandewie, Brooke, Clark, DeBruycker, Ellis, Endy, Ewer, Fagg, Feland, Gilbert, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Larson, McCarthy, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Peck, Peterson, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Wallin, Whalen, Winslow, Wiseman, Zook, Mr. Speaker.

Total 71

Noes: Bachini, Benedict, Bergsagel, Boharski, Brown, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Fisher, Foster, Galvin, Gervais, Herron, Kasten, Mason, McCaffree, McCulloch, Pavlovich, Quilici, Vogel, Wagner, Wanzenried, Wyatt.

Total 28

Voted Absentee: Mason, Pavlovich, Noes.

April 24, 1993

Excused: Hansen.

Total 1

Absent or not voting: None.

Total 0

**SB 271** - Representative Boharski moved the conference committee report to SB 271 be adopted. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 98

Noes: Bergsagel.

Total 1

Voted Absentee: Mason, Pavlovich, Ayes.

Excused: Hansen.

Total 1

Absent or not voting: None.

Total 0

**HJR 29** - Representative Dolezal moved Senate amendments to HJR 29 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 95

Noes: Bergsagel, Feland, Peterson, Rehbein.

Total 4

Voted Absentee: Mason, Pavlovich, Ayes.

Excused: Hansen.

Total 1

Absent or not voting: None.

Total 0

**HB 504** - Representative Grinde moved consideration of the free conference committee report to HB 504 be placed at the bottom of the second reading board. Motion carried.

**SB 87** - Representative Grinde moved consideration of the conference committee report to SB 87 be placed at the bottom of the second reading board. Motion carried.

**SB 394** - Representative Benedict moved the free conference committee report to SB 394 be adopted. Motion carried as follows:

Ayes: Bardanouve, Barnhart, Benedict, Bird, Boharski, Brandewie, Brooke, Cocchiarella, Davis, Dowell, Elliott, Ewer, Fagg, Gervais, Gilbert, Grady, Grinde, H.S. Hanson, Harper, Harrington, Hibbard, Kadas, Knox, Larson, Mason, L. Nelson, T. Nelson, Orr, Pavlovich, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Schwinden, Schye, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Toole, Tunby, Whalen, Wiseman, Zook, Mr. Speaker.  
Total 50

Noes: Anderson, Bachini, Barnett, Bergman, Bergsagel, Bohlinger, Brown, Clark, Cobb, DeBruycker, Dolezal, Driscoll, Ellis, Endy, Feland, Fisher, Foster, Galvin, M. Hanson, Hayne, Herron, J. Johnson, R. Johnson, Kasten, Keller, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, Peck, Peterson, Quilici, Rehbein, Sayles, Simon, Simpkins, Smith, Tash, Tuss, Vogel, Wagner, Wallin, Wanzenried, Winslow, Wyatt.  
Total 47

Voted Absentee: Mason, Pavlovich, Ayes.

Excused: Hansen.

Total 1

Absent or not voting: Daily, Grimes.

Total 2

**SB 332** - Representative Ream moved Governor's amendments to SB 332 be not concurred in.

Representative Ryan made a substitute motion the Governor's amendments to SB 332 be concurred in. Motion carried as follows:

Ayes: Bardanouve, Barnhart, Bergman, Bird, Boharski, Brown, Daily, DeBruycker, Driscoll, Endy, Fagg, Feland, Fisher, Galvin, Gervais, Gilbert,

Grimes, H.S. Hanson, Harrington, Hayne, Hibbard, J. Johnson, R. Johnson, Keller, Mason, McCaffree, McCarthy, Menahan, L. Nelson, Pavlovich, Peterson, Quilici, J. Rice, S. Rice, Rose, Ryan, Sayles, Schwinden, Smith, Strizich, Tash, Toole, Wallin, Whalen.  
Total 44

Noes: Barnett, Bohlinger, Brooke, Cocchiarella, Davis, Dolezal, Dowell, Elliott, Ellis, Hansen, M. Hanson, Harper, Herron, Kadas, Larson, Mills, Molnar, Raney, Ream, Rehbein, Schye, Simon, Simpkins, Squires, Stanford, Swanson, Tuss, Wanzenried, Wiseman, Wyatt.  
Total 30

Voted Absentee: Mason, Pavlovich, Ayes; Hansen, No.

Excused: None.  
Total 0

Absent or not voting: Anderson, Bachini, Benedict, Bergsagel, Brandewie, Clark, Cobb, Ewer, Foster, Grady, Grinde, Kasten, Knox, McCulloch, T. Nelson, Orr, Peck, Russell, Spring, Stovall, Tunby, Vogel, Wagner, Winslow, Zook, Mr. Speaker.  
Total 26

**SB 87** - Representative Simpkins moved the conference committee report to SB 87 be adopted. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Clark, Cobb, Daily, Davis, DeBruycker, Dolezal, Dowell, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Harper, Hayne, Herron, J. Johnson, R. Johnson, Kasten, Keller, Knox, Larson, Mason, McCarthy, McCulloch, Molnar, L. Nelson, Orr, Peck, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Winslow, Wiseman, Zook, Mr. Speaker.  
Total 80

Noes: Brown, Cocchiarella, Driscoll, Galvin, Gervais, Gilbert, Harrington, Kadas, McCaffree, Menahan, Rehbein, Wanzenried, Whalen, Wyatt.  
Total 14

Voted Absentee: Mason, Aye.

Excused: Hansen, Pavlovich.  
Total 2

Absent or not voting: Hibbard, Mills, T. Nelson, Russell.  
Total 4

Representative Grinde moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. House resumed. Mr.



Speaker in the Chair. Chairman Hibbard moved the adoption of the committee report. Report adopted. (81-12)

### THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 525**, conference committee report, adopted as follows:

Ayes: Anderson, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Bohlinger, Brandewie, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, Dolezal, Elliott, Ellis, Endy, Ewer, Fagg, Foster, Galvin, Gilbert, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Larson, McCarthy, McCulloch, Menahan, Mills, L. Nelson, T. Nelson, Orr, Guilici, Raney, J. Rice, S. Rice, Rose, Russell, Ryan, Schwinden, Schye, Simon, Simpkins, Smith, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Vogel, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Zook, Mr. Speaker.

Total 73

Noes: Bachini, Bergsagel, Boharski, Cobb, DeBruycker, Dowell, Driscoll, Feland, Fisher, Gervais, Herron, Kasten, McCaffree, Molnar, Peck, Peterson, Rehbein, Tuss, Wagner.

Total 19

Voted Absentee: Hansen, Aye.

Excused: Mason, Pavlovich.

Total 2

Absent or not voting: Grady, Grimes, Ream, Sayles, Spring, Wyatt.

Total 6

**HB 643**, free conference committee report, adopted as follows:

Ayes: Anderson, Bardanouve, Barnett, Barnhart, Bergman, Bird, Bohlinger, Brandewie, Brooke, Clark, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Gilbert, Grady, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Hayne, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Larson, McCarthy, McCulloch, Mills, Molnar, T. Nelson, Orr, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Wallin, Whalen, Winslow, Wiseman, Zook, Mr. Speaker.

Total 65

Noes: Bachini, Benedict, Bergsagel, Boharski, Brown, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Foster, Galvin, Gervais, Harrington, Herron, Kasten, McCaffree, Menahan, L. Nelson, Peck, Peterson, Guilici, Rehbein, Smith, Vogel, Wagner, Wanzenried, Wyatt.

Total 32

Voted Absentee: Hansen, Aye.

Excused: Mason, Pavlovich.  
Total 2

Absent or not voting: Grimes.  
Total 1

**SB 271**, conference committee report, adopted as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Feland, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 98

Noes: None.  
Total 0

Voted Absentee: Hansen, Aye.

Excused: Mason, Pavlovich.  
Total 2

Absent or not voting: None.  
Total 0

**HJR 29**, Senate amendments, concurred in as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Larson, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, Orr, Peck, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 91

Noes: Feland, Kasten, Peterson, Rehbein.  
Total 4

Voted Absentee: Hansen, Aye.

Excused: Mason, Pavlovich.

Total 2

Absent or not voting: Davis, Endy, T. Nelson.

Total 3

**SB 87**, conference committee report, adopted as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Bird, Boharski, Bohlinger, Brandewie, Brooke, Clark, Cobb, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Ellis, Endy, Fagg, Feland, Fisher, Foster, Grimes, H.S. Hanson, M. Hanson, Harper, Hayne, Hibbard, J. Johnson, R. Johnson, Kadas, Kasten, Keller, Knox, Larson, McCulloch, T. Nelson, Orr, Peck, Peterson, Raney, Ream, J. Rice, S. Rice, Rose, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 75

Noes: Brown, Driscoll, Elliott, Ewer, Galvin, Gervais, Gilbert, Grady, Grinde, Harrington, Herron, McCaffree, McCarthy, Menahan, Mills, Molnar, Quilici, Rehbein, Russell, Wanzenried, Whalen.

Total 21

Excused: Hansen, Mason, Pavlovich.

Total 3

Absent or not voting: L. Nelson.

Total 1

**SB 394**, free conference committee report, not adopted as follows:

Ayes: Barnhart, Benedict, Bird, Boharski, Brandewie, Brooke, Cocchiarella, Daily, Davis, Dowell, Elliott, Ellis, Fagg, Gilbert, Grimes, Grinde, Hansen, Harper, Harrington, Hayne, Hibbard, Kadas, Knox, Larson, Mills, L. Nelson, T. Nelson, Pavlovich, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Smith, Spring, Squires, Stanford, Strizich, Swanson, Toole, Tunby, Vogel, Whalen, Wiseman, Mr. Speaker.  
Total 49

Noes: Anderson, Bachini, Bardanouve, Barnett, Bergman, Bergsagel, Bohlinger, Brown, Clark, Cobb, DeBruycker, Dolezal, Driscoll, Endy, Ewer, Feland, Fisher, Foster, Galvin, Gervais, Grady, H.S. Hanson, M. Hanson, Herron, J. Johnson, R. Johnson, Kasten, Keller, McCaffree, McCarthy, McCulloch, Menahan, Molnar, Orr, Peck, Peterson, Quilici, Rehbein, Schye, Simon, Simpkins, Stovall, Tash, Tuss, Wagner, Wallin, Wanzenried, Winslow, Wyatt, Zook.

Total 50

Voted Absentee: Hansen, Pavlovich, Ayes.

Excused: Mason.

Total 1

Absent or not voting: None.  
Total 0

**SB 332**, Governor's amendments, concurred in as follows:

Ayes: Barnhart, Bird, Boharski, Brandewie, Brown, Clark, Daily, Driscoll, Endy, Ewer, Fagg, Feland, Fisher, Galvin, Gervais, Gilbert, Grady, H.S. Hanson, Harper, Harrington, Hayne, Hibbard, J. Johnson, R. Johnson, Keller, McCaffree, McCarthy, Menahan, Mills, L. Nelson, T. Nelson, Orr, Pavlovich, Peterson, Quilici, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Smith, Squires, Stovall, Strizich, Tash, Tuss, Vogel, Wagner, Wallin, Whalen, Zook.  
Total 52

Noes: Bardanouve, Barnett, Bergman, Bohlinger, Brooke, Cobb, Cocchiarella, Davis, Dolezal, Dowell, Elliott, Ellis, Hansen, M. Hanson, Herron, Kadas, Kasten, Larson, Peck, Raney, Ream, Rehbein, J. Rice, Schye, Simon, Simpkins, Stanford, Swanson, Toole, Wanzenried, Wiseman, Wyatt.  
Total 32

Voted Absentee: Pavlovich, Aye; Hansen, No.

Excused: Mason.  
Total 1

Absent or not voting: Anderson, Bachini, Benedict, Bergsagel, DeBruycker, Foster, Grimes, Grinde, Knox, McCulloch, Molnar, Spring, Tunby, Winslow, Mr. Speaker.  
Total 15

### MOTIONS

Representative Fagg moved the House reconsider its action on the conference committee report to SB 23 taken on third reading. Motion failed. (46-52)

Representative Hibbard moved the House reconsider its action on the free conference committee report to SB 394 taken on third reading this legislative day. Motion failed. (35-63)

Representative Harper moved SB 431 be taken from the table in the Committee on Taxation, printed, and placed on second reading this legislative day. Motion failed. (50-42) [Requires three-fifths vote]

Representative Ream moved SJR 32 be taken from the table in the Committee on Taxation, printed, and placed on second reading this legislative day.

Representative Elliott moved for previous question.

Representative Ream then closed on his motion. Motion failed. (51-47) [Requires three-fifths vote.]



Representative Grinde moved the House recess until 11:00 a.m. Motion carried.

House recessed at 9:48 a.m.

House reconvened at 11:00 a.m. Mr. Speaker in the Chair.

Representative Grinde moved the Speaker be authorized to appoint a conference committee to meet with a like committee from the Senate to confer on Governor's amendments to SB 332. Motion carried.

Mr. Speaker appointed the following members:

Representative Wiseman, Chairman  
Representative Simpkins  
Representative Ryan

Representative Grinde moved the House recess until 11:20 a.m. Motion carried.

House recessed at 11:04 a.m.

House reconvened at 11:27 a.m. Mr. Speaker in the Chair.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative J. Rice in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**SB 235** - Representative Hibbard moved the free conference committee report to SB 235 be adopted. Motion failed as follows:

Ayes: Anderson, Bardanouve, Barnett, Bergman, Bergsagel, Bird, Bohlinger, Brandewie, Clark, Cocchiarella, DeBruycker, Ellis, Fagg, Fisher, Foster, Grinde, H.S. Hanson, M. Hanson, Harper, Hayne, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Mills, T. Nelson, Peck, Peterson, Raney, Ream, J. Rice, Rose, Sayles, Schye, Simpkins, Spring, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Vogel, Wagner, Wallin, Winslow, Zook, Mr. Speaker.  
Total 49

Noes: Bachini, Barnhart, Benedict, Boharski, Brooke, Brown, Cobb, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Endy, Ewer, Feland, Galvin, Gervais, Gilbert, Grady, Grimes, Hansen, Harrington, Herron, Kasten, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Molnar, L. Nelson, Orr, Pavlovich, Quilici, Rehbein, S. Rice, Russell, Ryan, Schwinden, Simon, Smith, Squires, Stanford, Tuss, Wanzanried, Whalen, Wiseman, Wyatt.  
Total 51

Voted Absentee: Hansen, Mason, Pavlovich, Noes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

Representative Grinde moved the House reconsider its action on SB 235.  
Motion carried. (55-40)

Representative Grinde moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman J. Rice moved the adoption of the committee report. Report adopted. (67-24)

Representative Grinde moved the House recess until 1:15 p.m. Motion carried.

House recessed at 11:48 a.m.

House reconvened at 1:16 p.m. Mr. Speaker in the Chair.

Representative Tash excused at this time.

### **REPORTS OF STANDING COMMITTEES**

BILLS (Hayne, Chairman): 4/24/93  
Correctly enrolled: HJR 27, HJR 28, HJR 32.  
Examined by the sponsor and found to be correct:  
HJR 27 - McCarthy  
HJR 28 - Simon  
HJR 32 - Schwinden  
Signed by the Speaker at 6:00 p.m., 4/23/93: SB 58, SB 118, SB 145,  
SB 368, SB 374, SB 378, SB 379, SB 401, SJR 17, SJR 31.  
Signed by the Speaker at 7:00 p.m., 4/23/93: SB 430, SJR 33.  
Signed by the Speaker at 12:00 p.m., 4/24/93: HJR 27, HJR 28, HJR 32.

### **SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)**

Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative J. Rice in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**SB 235** - Representative Hibbard moved the free conference committee report to SB 235 be adopted. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Bergman, Bergsagel, Bird, Bohlinger, Brandewie, Clark, Cocchiarella, DeBruycker, Ellis, Fagg, Fisher,

Foster, Grinde, H.S. Hanson, M. Hanson, Harper, Hayne, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Mills, T. Nelson, Peck, Peterson, Raney, Ream, J. Rice, Rose, Sayles, Schye, Simpkins, Smith, Spring, Stovall, Strizich, Swanson, Toole, Tunby, Vogel, Wagner, Wallin, Winslow, Zook, Mr. Speaker.

Total 50

Noes: Barnhart, Benedict, Boharski, Brooke, Brown, Cobb, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Endy, Ewer, Feland, Galvin, Gervais, Gilbert, Grady, Grimes, Hansen, Harrington, Herron, Kasten, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Molnar, L. Nelson, Orr, Pavlovich, Quilici, Rehbein, S. Rice, Russell, Ryan, Schwinden, Simon, Squires, Stanford, Tuss, Wanzenried, Whalen, Wiseman, Wyatt.

Total 49

Voted Absentee: Hansen, Mason, Pavlovich, Noes.

Excused: Tash.

Total 1

Absent or not voting: None.

Total 0

Representative Grinde moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman J. Rice moved the adoption of the committee report. Report adopted. (51-44)

### THIRD READING OF BILLS

The following bill having been read three several times, title and history agreed to, was disposed of in the following manner:

**SB 235**, free conference committee report, adopted as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Bergman, Bergsagel, Bird, Bohlinger, Brandewie, Clark, Cocchiarella, DeBruycker, Ellis, Fagg, Fisher, Foster, Grinde, H.S. Hanson, M. Hanson, Harper, Hayne, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Mills, T. Nelson, Peck, Peterson, Raney, Ream, J. Rice, Rose, Sayles, Schye, Simpkins, Spring, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Vogel, Wagner, Wallin, Winslow, Zook, Mr. Speaker.

Total 50

Noes: Barnhart, Benedict, Boharski, Brooke, Brown, Cobb, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Endy, Ewer, Feland, Galvin, Gervais, Gilbert, Grady, Grimes, Hansen, Harrington, Herron, Kasten, Knox, Larson, McCaffree, McCarthy, McCulloch, Menahan, Molnar, L. Nelson, Orr, Pavlovich, Quilici, Rehbein, S. Rice, Russell, Ryan, Schwinden, Simon, Smith, Squires, Stanford, Tuss, Wanzenried, Whalen, Wiseman, Wyatt.

Total 49

Voted Absentee: Tash, Aye; Hansen, Pavlovich, Noes.

Excused: Mason.  
Total 1

Absent or not voting: None.  
Total 0

### MOTIONS

Representative Molnar moved SB 200 be taken from the table in the Committee on Fish and Game, printed, and placed on second reading this legislative day.

Representative Daily moved for previous question. Motion carried.

Representative Molnar then closed on his motion. Motion failed. (33-60)

Representative Grinde moved the House recess until 3:00 p.m. Motion carried.

House recessed at 1:45 p.m.

House reconvened at 3:00 p.m. Mr. Speaker in the Chair.

### MESSAGES FROM THE SENATE

House Joint Resolution concurred in and returned to the House: 4/24/93

**HJR 30**, introduced by Ream

House Joint Resolution concurred in as amended and returned to the House for concurrence in Senate amendments: 4/24/93

**HJR 33**, introduced by Grimes

Governor's amendments concurred in: 4/24/93

**HB 411**, introduced by R. Johnson

**HB 431**, introduced by Strizich

**HB 530**, introduced by Spring

**HB 562**, introduced by J. Rice

**HB 567**, introduced by Foster

Conference committee report #1 adopted: 4/24/93

**HB 142**, introduced by Anderson

**HB 525**, introduced by J. Rice

**SB 87**, introduced by Crippen

**SB 271**, introduced by Jacobson

Free conference committee report #1 adopted: 4/24/93

**HB 4**, introduced by Zook

**HB 70**, introduced by S. Rice



**HB 643**, introduced by Gilbert

**SB 310**, introduced by Rea

**SB 394**, introduced by Harp

### MESSAGES FROM THE GOVERNOR

The Honorable John Mercer  
Speaker of the House  
State Capitol  
Helena, Montana 59620

April 23, 1993

Dear Representative Mercer:

Please be informed that I have signed House Bill 655 on April 23, 1993.

Sincerely,

MARC RACICOT  
Governor

The Honorable John Mercer  
Speaker of the House  
State Capitol  
Helena, Montana 59620

April 24, 1993

Dear Representative Mercer:

Please be informed that I have signed House Bills 10, 12, 17, 196, 303, 314, 318, 350, 374, 375, 382, 388, 413, 419, 436, 463, 511, 537, 563, 616, 654, 663, and 674 on April 24, 1993.

Sincerely,

MARC RACICOT  
Governor

### SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative J. Rice in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HJR 33** - Representative Grimes moved Senate amendments to HJR 33 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes,

April 24, 1993

Grinde, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, Kadas, Kasten, Keller, Knox, Larson, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 91

Noes: DeBruycker, Feland, R. Johnson, Rehbein.  
Total 4

Voted Absentee: Pavlovich, Aye.

Excused: Hansen, Mason, Tash.  
Total 3

Absent or not voting: Bergsagel, L. Nelson.  
Total 2

Representative Grinde moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman J. Rice moved the adoption of the committee report. Report adopted. (89-4)

### THIRD READING OF BILLS

The following House Joint Resolution having been read three several times, title and history agreed to, was disposed of in the following manner:

**HJR 33**, Senate amendments, concurred in as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brooke, Brown, Clark, Cobb, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Herron, Hibbard, J. Johnson, Kadas, Kasten, Keller, Knox, Larson, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, Rehbein, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 92

Noes: Bergsagel, DeBruycker, Feland, R. Johnson.  
Total 4

Voted Absentee: Pavlovich, Aye.

Excused: Hansen, Mason, Tash.  
Total 3

Absent or not voting: L. Nelson.

Total 1

Representative Grinde moved the House recess until 4:00 p.m. Motion carried.

House recessed at 3:09 p.m.

House reconvened at 4:00 p.m. Mr. Speaker in the Chair.

### **MESSAGES FROM THE GOVERNOR**

The Honorable John Mercer  
Speaker of the House  
State Capitol  
Helena, Montana 59620

April 24, 1993

Dear Representative Mercer:

Please be informed that I have signed House Bills 216, 330, 402, 430, 482, 532, 539, 579, 585, 587, 593, 601, 639, 640, 652, 660, 680, 687, 690, and 691 on April 24, 1993.

Sincerely,

MARC RACICOT  
Governor

Representative Grinde moved the House recess until 5:00 p.m. Motion carried.

House recessed at 4:05 p.m.

House reconvened at 5:03 p.m. Mr. Speaker in the Chair.

### **REPORTS OF SELECT COMMITTEES**

Free Conference Committee  
on House Bill 2  
Report No. 1, April 24, 1993

Mr. Speaker and Mr. President:

We, your Free Conference Committee, met and considered House Bill 2 and recommend that House Bill 2 (reference copy -- salmon) be amended as follows:

1. Page BP-2, line 4.

Following: "SAVINGS"

Insert: "and budget balancing reduction"

Following: "."

Insert: "(1)"

2. Page BP-2, line 8.

Following: line 7

Insert: "(2) The amounts shown for budget balancing reductions reduce each agency's total general fund appropriation. The agency, with the approval of the approving authority, as defined in 17-7-102, shall determine the proportional share of the amount to be applied to each program and reduce that program's expenditure authority accordingly."

3. Page BP-2, following line 20.

Insert: "NEW SECTION. Section 12. Budget balancing reductions of general fund. The amounts shown for budget balancing reductions reduce each agency's general fund appropriations by 1/2 of 1%, with the following exceptions: medical assistance and family assistance in the department of social and rehabilitation services, the department of corrections and human services, and the Montana university system, with the exception of the office of the commissioner of higher education."

Re-number: subsequent sections

4. Page A-1.

Following: line 5

Insert: "a. SJR 28 -- Legislative Audit Request -- Hard-Rock Bureau (Biennial)  
1,200 " [state special revenue]

5. Page A-1.

Following: line 15

Insert: "Item 1a is contingent on passage of Senate Joint Resolution No. 28."

6. Page A-2.

Following: line 5

Insert: "Of the amount appropriated as item 1a, legislative contingencies, to the office of the legislative fiscal analyst in section 1, Chapter 17, Special Laws of July 1992, amending section 1, Chapter 13, Special Laws of January 1992, amending section 1, Chapter 815, Laws of 1991, any unexpended funds up to \$16,000 are reappropriated to the analysis and review program (program 01) within the office of the legislative fiscal analyst. The funds reappropriated to the analysis and review program are appropriated for the 1995 biennium for expenses associated with the review required in Senate Bill No. 378."

7. Page A-5, following line 7.

Insert: "b. SB 271 -- Pilot Program for Local Citizen Review Boards (Restricted/Biennial)  
113,232" [fiscal 1994 general fund]

8. Page A-5, lines 20 and 21.

Strike: lines 20 and 21 in their entirety

Re-number: subsequent subsections



9. Page A-6, following line 6.

Insert: "Contingent on passage and approval of Senate Bill No. 271, the appropriation in item 1b is appropriated to the office of the supreme court administrator for allocation to the youth court of the judicial districts designated, pursuant to Senate Bill No. 271, for a pilot program for local citizen review boards for foster care placements."

10. Page A-7, line 8.

Strike: " <u>75,000</u> "	<u>75,000</u> "
Insert: "144,765	147,063"

11. Page A-7, line 25 through A-8, line 1.

Strike: page A-7, line 25 through page A-8, line 1 in their entirety

12. Page A-10, following line 11.

Insert: "c. SB 354 -- Insurance Industry Continuing Education Program	
115,848	99,782" [state special revenue]
"d. HB 273 -- Auto Glass Insurance Practices	
10,000	10,000" [general fund]
"e. SB 430 -- Insurance Regulatory Program Accreditation	
287,452	269,052" [state special revenue]

13. Page A-10, following line 16.

Insert: "b. SB 314 -- Securities Portfolio Registration Program	
75,500	63,732" [state special revenue]

14. Page A-11, following line 13.

Insert: "Item 2c is contingent on passage and approval of Senate Bill No. 354.

Item 2d is contingent on passage and approval of House Bill No. 273.

Item 2e is contingent on passage and approval of Senate Bill No. 430.

Item 3b is contingent on passage and approval of Senate Bill No. 314."

15. Page A-14, following line 10.

Insert: "b. HB 609 -- Transfer Liquor Investigation Function	
314,770	318,973" [Proprietary funds]

16. Page A-14, line 12.

Strike: "4,586,320	3,477,573"
Insert: "4,999,155	1,890,364"

17. Page A-14, line 13.

Strike: " <u>2,244,207</u> "
Insert: "4,244,207"

18. Page A-14, line 23.

Strike: "1,342,904	398,266	1,338,721	391,295"
Insert: "1,688,170	53,000	1,687,016	43,000"

19. Page A-15, following line 4.

Insert: "d. HB 222 -- Fire Protection Equipment Licensing Program  
88,200 82,300" [state special revenue]

"e. HB 609 -- Transfer Public Assistance Investigation Function"  
"113,747" [Federal] "56,983" [Proprietary]  
"112,427" [Federal] "45,580" [Proprietary]

20. Page A-15, line 12.

Strike: "209,051 213,606 9,305 219,507  
224,765 9,792"

Insert: "187,335 235,391 9,236 178,140  
266,052 9,872"

21. Page A-15, line 14.

Strike: "20,458 21,842 952"

Insert: "18,758 23,570 924"

22. Page A-16, line 1.

Strike: "24,781 24,848"

Insert: "38,980 39,075"

23. Page A-16, lines 12 through 14.

Strike: lines 12 through 14 in their entirety

24. Page A-16, line 18.

Following: "1994."

Insert: "The department shall also prepare a plan by July 1, 1994, in consultation with the superintendent of public instruction, to have driver's license examinations of students conducted, under the supervision and direction of the department, by local school district staff of traffic education programs administered by the superintendent of public instruction."

25. Page A-17, line 10.

Following: "Staff"

Insert: "(Restricted)"

26. Page A-18, following line 4.

Insert: "l. HB 539 -- Tax Special Fuel at Distributor Level (Restricted)  
104,000" [fiscal 1994 state special revenue]

27. Page A-20, following line 21.

Insert: "Item 11 is contingent on passage and approval of House Bill No. 539."

28. Page A-21, line 23.

Strike: "117,894 551,931 112,427 544,821"

Insert: "4,147 180,178 0 180,268"

29. Page A-22, following line 19.

Insert: "b. SB 168 -- Agricultural Land Valuations (Restricted)"  
"261,432" [fiscal 1994 general fund]  
"4,968" [fiscal 1995 general fund]

30. Page A-22, line 21.

Strike: "57,539 58,072"

Insert: "43,340 43,845"

31. Page A-23, lines 9 through 13.

Strike: lines 9 through 13 in their entirety

32. Page A-23, following line 13.

Insert: "If the referendum to enact a general sales tax and to provide tax reform in Senate Bill No. 235 is approved by the electorate in the special election provided for by [section 184 of Senate Bill No. 235], there is appropriated from the state special revenue account created in Senate Bill No. 235 to the department of revenue up to \$4,511,707 in fiscal 1994 and up to \$5,684,952 in fiscal 1995 for the purpose of administering the provisions of Senate Bill No. 235. In accordance with 17-2-107(2)(c), the legislature authorizes the department of administration to provide an interentity loan to the department of revenue for these amounts during the 1995 biennium. These loans must be repaid from proceeds of the sales tax deposited in the state special revenue account."

If the referendum to enact a general sales tax and to provide tax reform as provided in Senate Bill No. 235 is approved by the electorate at the June 8, 1993, special election provided for by [section 184 of Senate Bill No. 235], there is appropriated from the sales tax and use tax account established in [section 71 of Senate Bill No. 235] to the department of revenue the amounts necessary to provide the property tax replacement revenue for taxing jurisdictions as provided for in 15-1-111(5) through (13), as amended by Senate Bill No. 235, and in [section 125 of Senate Bill No. 235], regarding reimbursement to local governments and schools, in fiscal 1994 and fiscal 1995."

33. Page A-25, line 23.

Strike: "1,027,656 324,139 1,039,477 329,865"

Insert: "1,023,914 329,756 1,035,235 335,695"

34. Page A-25, line 25.

Strike: "548,890"

Insert: "528,633"

35. Page A-27, line 20.

Following: "department"

Insert: "and the office of budget and program planning"

36. Page A-27, line 23.

Following: "department"

Insert: "and the office of budget and program planning"

37. Page A-28, line 5.

Following: "department"

Insert: "and the office of budget and program planning"

38. Page A-28, line 7.

Strike: "department"

Insert: "governor"

39. Page A-28, following line 22.

Insert: "f. SB 164 -- Workers' Compensation Fraud  
Investigation/Prosecution"

"542,202" [fiscal 1994 proprietary]

"361,749" [fiscal 1995 proprietary]

"g. SB 163 -- Montana Safety Culture Act"

"456,478" [fiscal 1994 proprietary]

"364,724" [fiscal 1995 proprietary]

"h. SB 381 -- Underinsured Employers

86,905" [fiscal 1994, proprietary]

"i. HB 622 -- Revising Workers' Compensation Act

107,269 92,631" [proprietary]

"j. HB 511 -- Workers' Compensation Data Base System"

"251,906" [fiscal 1994 proprietary]

"152,355" [fiscal 1995 proprietary]

"k. SB 347 -- Workers' Compensation Medical Cost Containment

749,666 448,044" [proprietary]

40. Page A-29, following line 3.

Insert: "Item 1i is contingent on passage and approval of House Bill No.  
622.

Item 1j is contingent on passage and approval of House Bill  
No. 511.

Item 1k is contingent on passage and approval of Senate  
Bill No. 347.

If House Bill No. 13 is passed and approved and if it  
provides a statutory appropriation for administration and benefit  
costs of the state compensation mutual insurance fund, all  
appropriations for the state compensation mutual insurance fund  
in [this act] are eliminated."

41. Page A-29, following line 9.

Insert: "b. HB 517 -- PERS Retirement Incentives (Restricted)  
42,500" [fiscal 1994 other funds]

42. Page A-29, line 16.

Following: "items 1"

Strike: "and 1a"

Insert: ", 1a, and 1b"

43. Page A-29, following line 16.

Insert: "Item 1b is contingent on passage and approval of House Bill No.  
517."

44. Page A-29, following line 23.

Insert: "c. HB 517 -- TRS Retirement Incentives (Restricted)  
5,750" [fiscal 1994 other funds]

45. Page A-30, line 5.



Following: "1a,"

Strike: "AND 1B"

Insert: "1b, and 1c"

46. Page A-30, following line 5.

Insert: "Item 1c is contingent on passage and approval of House Bill No. 517 with amendments to include the teachers' retirement system."

47. Page B-2.

Following: line 21

Insert: "c. HB 567 -- Commercial Medical Hazardous Waste Incinerators"

"61,620" [state special revenue, fiscal 1994]

"57,170" [state special revenue, fiscal 1995]

48. Page B-3.

Following: line 16

Insert: "j. SB 284 -- Underground Tank Installer Permits"

"11,500" [state special revenue, fiscal 1994]

"10,500" [state special revenue, fiscal 1995]

"k. HB 592 -- Hazardous Waste Management Permit Fees"

"126,240" [state special revenue, fiscal 1994]

"121,240" [state special revenue, fiscal 1995]

49. Page B-4.

Following: line 8

Insert: "h. HB 388 -- Water Quality Fees"

"769,892" [state special revenue, fiscal 1994]

"51,248" [proprietary, fiscal 1994]

"777,388" [state special revenue, fiscal 1995]

"51,529" [proprietary, fiscal 1995]

50. Page B-6, line 8.

Strike: "1,010,143" [FY94 state special revenue]

"1,010,143" [FY95 state special revenue]

Insert: "1,313,077" [FY94 state special revenue]

"1,289,225" [FY95 state special revenue]

51. Page B-6, line 10.

Strike: "81,949" [FY94 general fund]

"246,069" [FY94 state special revenue]

"82,231" [FY95 general fund]

"258,120" [FY95 state special revenue]

Insert: "271,949" [FY94 general fund]

"56,069" [FY94 state special revenue]

"272,231" [FY95 general fund]

"68,120" [FY95 state special revenue]

52. Page B-7.

Following: line 10

Insert: "Item 3c is contingent on passage and approval of House Bill No. 567."

53. Page B-7.

Following: line 13

Insert: "Item 5h is contingent on passage and approval of House Bill No. 388."

54. Page B-9, following line 19.

Insert: "d. HB 511 -- Workers' Compensation Data Base System (Biennial)"

"583,479" [fiscal 1994 state special revenue]

"e. HB 287 -- Revising Workers' Compensation Act"

"4,800" [fiscal 1994 state special revenue]

"1,300" [fiscal 1995 state special revenue]

"f. SB 347 -- Workers' Compensation Medical Cost Containment"

"299,545" [fiscal 1994 state special revenue]

"246,695" [fiscal 1995 state special revenue]

"g. HB 622 -- Revising Workers' Compensation Act"

"165,029" [fiscal 1994 state special revenue]

"142,509" [fiscal 1995 state special revenue]

"h. SB 381 -- Underinsured Employers"

"133,701" [fiscal 1994 state special revenue]

"116,991" [fiscal 1995 state special revenue]

"i. SB 223 -- Revising Child Labor Laws"

"27,087" [state special revenue, fiscal 1994]

"20,927" [state special revenue, fiscal 1995]

55. Page B-9, following line 21.

Insert: "a. SB 347 -- Workers' Compensation Medical Cost Containment"

"54,758" [fiscal 1994 state special revenue]

"48,900" [fiscal 1995 state special revenue]

56. Page B-11, following line 24.

Insert: "Item 4d is contingent on passage and approval of House Bill No. 511.

Item 4e is contingent on passage and approval of House Bill No. 287.

Items 4f and 5a are contingent on passage and approval of Senate Bill No. 347.

Item 4g is contingent on passage and approval of House Bill No. 622."

57. Page B-12, line 6.

Following: "(1)"

Strike: "The amount of"

Insert: "(a) Up to"

58. Page B-12.

Following: line 7

Insert: "(b) The appropriation in subsection (1)(a) must be reduced by the amount expended for state employees in the dislocated worker program from the appropriation provided for in House Bill No. 3."

59. Page B-12, line 8.

Following: "(2)"

Strike: "The amount of"

Insert: "(a) Up to"

60. Page B-12.

Following: line 8

Insert: "(b) The appropriation in subsection (2)(a) must be reduced by the amount expended for nonstate workers in the dislocated worker program from the appropriation provided for in House Bill No. 3."

61. Page B-14, line 21.

Insert: "122,533" [federal special revenue fiscal 1994]

Insert: "119,491" [federal special revenue fiscal 1995]

62. Page B-16, line 15.

Following: "PROGRAM"

Insert: "no later than January 1, 1994"

63. Page B-17.

Strike: line 4 in its entirety

64. Page B-19, line 9.

Following: "County"

Strike: "contingent on passage and approval of House Bill No. 427"

65. Page B-20.

Strike: line 6 in its entirety

Strike: line 10 in its entirety

66. Page B-20, following line 10.

Insert: "Contingent on passage and approval of Senate Bill No. 145, the appropriation in item 6j must be used for a medicaid model waiver for people with traumatic brain injuries."

67. Page B-21, line 9.

Strike: "4,864,477                      4,874,985" [federal special revenue]

Insert: "4,924,477                      4,934,985" [federal special revenue]

68. Page B-21.

Strike: lines 22 and 23 in their entirety

69. Page B-22, following line 21.

Insert: "g. SB 271 -- Pilot Program for Local Citizen Review Boards  
(Restricted/Biennial)  
10,513" [fiscal 1994 general fund]

70. Page B-23.

Strike: lines 17 and 18 in their entirety

71. Page B-24, following line 23.

Insert: "The appropriation in item 4g is contingent on passage and approval of Senate Bill No. 271."

72. Page C-2, line 3.

Strike: "80,800                      80,981" [state special]

Insert: "71,021                      71,192" [state special]

73. Page C-5.

Following: line 20

Insert: "e. HJR 24 -- Landowner, Outfitter, Sportsmen Groups (Biennial)  
25,000" [state special revenue]

74. Page C-5, line 22.

Strike: "389,738 394,791" [general fund]

Insert: "318,249 323,125" [general fund]

75. Page C-8, following line 4.

Insert: "In [this act], the department is appropriated \$123,683 in fiscal 1994 and \$94,571 in fiscal 1995 from accounting entity 02213 (off-highway vehicle gas tax), \$411,692 in fiscal 1994 and \$411,931 in fiscal 1995 from accounting entity 02407 (snowmobile fuel tax), and \$615,024 in fiscal 1994 and \$613,266 in fiscal 1995 from accounting entity 02412 (motorboat fuel tax). The department may not expend funds from these accounts in excess of the amounts of these appropriations."

76. Page C-9.

Following: line 20

Strike: "Item 6 contains \$500,000 from federal funds and \$71,489 from general funds in fiscal 1994 and \$500,000 from federal funds and \$71,666 from general funds in fiscal 1995 appropriated for the Montana conservation corps."

77. Page C-9, line 23.

Strike: "this"

Insert: "the Montana conservation corps"

78. Page C-11.

Following: line 10

Insert: "a. SB 424 -- Advisory Council to the Board of Land Commissioners  
23,780 7,612" [general fund]

79. Page C-11.

Following: line 16

Insert: "b. HB 652 -- Timber Sale Revenue for Program Costs (Restricted)  
312,000 312,000" [state special]

80. Page C-12, following line 2.

Insert: "Item 3a is contingent on passage and approval of Senate Bill No. 424."

81. Page C-12, following line 3.

Insert: "Item 4b is contingent on passage and approval of House Bill No. 652."

82. Page C-15.

Following: line 7

Insert: "f. HB 616 -- Clean Coal (Biennial)  
50,000" [state special revenue]



83. Page C-15, following line 23.

Insert: "h. SB 280 -- Implement a Portion of the 1992 State Water Plan  
35,467 34,767" [state special]

"i. Yellowstone National Park Controlled Ground Water Area  
(Biennial)

9,708" [state special]

84. Page C-17.

Strike: lines 12 and 13 in their entirety

85. Page C-22, line 8.

Strike: "1,084,395 1,090,235" [proprietary]

Insert: "1,115,910 1,114,196" [proprietary]

86. Page C-22, line 10.

Strike: "2,996,577 2,897,055" [state special]

Insert: "3,149,935 3,028,251" [state special]

87. Page C-26.

Strike: lines 22 through 24 in their entirety

88. Page D-6, line 22.

Strike: "30,896,174 31,678,512"

Insert: "30,931,800 31,756,478"

89. Page D-7, line 17.

Strike: "2,168,032 2,200,364" [state special revenue]

Insert: "2,220,198 2,277,350" [state special revenue]

90. Page D-7, line 21.

Following: line 20

Insert: "a. Eastern Montana Veterans' Nursing Home Startup  
325,000" [FY95 state special revenue]

91. Page D-8.

Strike: lines 18 and 19 in their entirety

Insert: "If House Bill No. 333 is not passed and approved, the general fund appropriation in item 3 is reduced by \$35,626 in fiscal 1994 and by \$77,966 in fiscal 1995 and the state special revenue appropriation in item 6 is reduced by \$52,166 in fiscal 1994 and by \$76,986 in fiscal 1995."

92. Page E-10, lines 17 through 20.

Following: "AVAILABLE"

Strike: the remainder of line 17 through "INFORMATION." on line 20

Insert: "to the legislature and the governor. The Montana university system, except the office of the commissioner of higher education and the community colleges, shall provide the following information electronically to the legislative fiscal analyst and the office of budget and program planning:

(1) on January 1 and at fiscal yearend beginning in fiscal 1994 and each year thereafter, the actual personal services data. This data must tie to the actual expenditures as recorded on SBAS.

April 24, 1993

(2) beginning November 1, 1993, and each year thereafter, the budgeted personal services data. The data must tie to the operating plan as approved by the board of regents.

This personal services data must include but not be limited to the following for each position number: program number, responsibility center, salary, benefits, fund type, and FTE position title and position type. The initial submission of this information must be reviewed and approved for accuracy, consistency, and accessibility by the joint committee on postsecondary education policy and budget."

And that this Free Conference Committee report be adopted.

For the House:

For the Senate:

Zook, Chairman  
L. Nelson  
Bergsagel

Jacobson, Chairman  
Fritz

Free Conference Committee  
on House Bill 5  
Report No. 1, April 24, 1993

Mr. Speaker and Mr. President:

We, your Free Conference Committee, met and considered House Bill 5 and recommend that House Bill 5 (reference copy -- salmon) be amended as follows:

1. Title, line 6.

Following: "ACT"

Insert: "REVISING CERTAIN PROVISIONS RELATING TO CAPITAL PROJECTS;"

2. Title, line 9.

Following: "AMENDING"

Insert: "SECTION 53-30-101, MCA,"

3. Title, line 10.

Following: "1991;"

Insert: "SECTION 1, CHAPTER 624, LAWS OF 1991;"

4. Page 12, line 10.

Following: line 9

Insert: "DEPARTMENT OF CORRECTIONS AND HUMAN SERVICES  
Improvements at Women's Correctional Center, Montana State  
Hospital 260,000  
Miscellaneous Improvements at Montana State Hospital for  
Accreditation 1,000,000"

5. Page 12, line 13.

Strike: "\$5,200,000"

Insert: "\$6,460,000"

6. Page 12, line 20.

Following: "BONDS."

Insert: "The board may fund the department of corrections and human services projects authorized in [section 9] through the use of loans or bonds."

7. Page 15.

Following: line 18

Insert: "Section 17. Section 1, Chapter 624, Laws of 1991, is amended to read:

"Section 1. Appropriation and conditions for veterans' home project. (1) The following money is appropriated for the biennium ending June 30, 1993, from the capital projects fund: \$1,991,897 to the department of administration for construction and remodeling, including land purchase and design costs, of a state nursing home and domiciliary home at Glendive, Montana, for veterans in Montana.

(2) There is appropriated to the department of administration for the biennium ending June 30, 1993, \$3,699,237 in spending authority from the federal special revenue received from the veterans benefits administration.

(3) The department of corrections and human services shall negotiate an agreement with an appropriate and qualified private vendor to operate and maintain the state nursing home at Glendive, in accordance with state and federal regulations and without any state general fund support. The ownership of the state nursing home must be retained by the state in accordance with federal regulations."

Renumber: subsequent sections

8. Page 16, lines 17 through 20.

Following: "the" on line 17

Strike: "business administration building at the university of Montana, the engineering/physical sciences complex at Montana state university, and the Libby armory"

Insert: "projects in subsection (1)"

9. Page 16, lines 21 through 23.

Strike: "WILL" on line 21 through "BIENNIUM" on line 23

Insert: "is consistent with prudent debt management principles, that schedules the payment of principal and interest to minimize the aggregate amount of debt service payable from the general fund on all general obligation bonds during the biennium ending June 30, 1995, and that takes into consideration interest earnings on the proceeds of the bonds. The board of examiners may defer the payment of principal and interest on the bonds"

10. Page 16, line 24.

Following: line 23

Insert: "construction"

11. Page 17, line 5.

Following: "ـ"

Insert: "The board may authorize the construction or purchase of the women's correctional facility."

12. Page 17, lines 6 through 8.

Strike: subsection (4) in its entirety

13. Page 26, line 6.

Strike: "17"

Insert: "18"

14. Page 27, lines 7 and 9.

Strike: "21"

Insert: "22"

15. Page 27, line 10.

Following: line 9

Insert: "Section 26. Section 53-30-101, MCA, is amended to read:

"53-30-101. Location and function of prison and women's correctional center. (1) The institution at Deer Lodge is the state prison and as its primary function provides facilities for the custody, treatment, training, and rehabilitation of adult male criminal offenders.

(2) The institution located in accordance with sections 1 through 7, Chapter 651, Laws of 1991, is the women's correctional center and as its primary function provides facilities for the custody, treatment, training, and rehabilitation of adult female criminal offenders. If the authorized institution does not require the level of services provided for in Chapter 651, Laws of 1991, an alternate site in the Billings area may be identified by department officials, city of Billings officials, and Yellowstone County officials as the site of the women's correctional facility."

Renumber: subsequent sections

And that this Free Conference Committee report be adopted.

For the House:

Menahan  
Bergsagel

For the Senate:

Jergeson, Chairman  
Bianchi  
Harding

Conference Committee  
on Senate Bill 332  
Report No. 1, April 24, 1993

Mr. President and Mr. Speaker:

We, your Conference Committee on Senate Bill 332, met and considered: the Governor's amendments to Senate Bill 332.



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We recommend that Senate Bill 332 (reference copy - salmon) be amended as follows:

Reject the Governor's amendments to Senate Bill 332 in their entirety.

And that this Conference Committee report be adopted.

For the Senate:

Weldon, Chairman  
Fritz  
Mesaros

For the House:

Wiseman, Chairman  
Simpkins

Free Conference Committee  
on House Bill 198  
Report No. 1, April 24, 1993

Mr. Speaker and Mr. President:

We, your Free Conference Committee, met and considered House Bill 198 and recommend as follows:

1. Title, lines 6 and 7.

Following: "LEVELS;"

Strike: "PROVIDING LONGEVITY PAY FOR UNIVERSITY SYSTEM  
EMPLOYEES;"

2. Title, lines 8 and 9.

Following: "1995;"

Strike: "REVISING THE LONGEVITY ALLOWANCE;"

3. Title, line 13.

Following: "CONDITIONS;"

Insert: "PROVIDING A LIMITATION ON THE CHOICE OF BENEFITS;"

4. Title, line 14.

Following: "2-18-303,"

Strike: "2-18-304,"

5. Page 4, lines 4 through 7.

Following: "in" on line 4

Strike: Remainder of line 4 through "1994" on line 7

Insert: "January 1995, each employee hired before January 1, 1995, is entitled to the amount of the employee's base salary as it was on December 31, 1994, plus 1.5%"

6. Page 6, line 9.

Following: "the first"

Insert: "complete"

7. Page 6, line 16.

Following: "OF THE FIRST"

Insert: "complete"

8. Page 9, line 19 through page 11, line 5.

Strike: Section 3 in its entirety

Renumber: subsequent sections

9. Page 11, line 21.

Strike: "through"

Insert: "and"

10. Page 15, line 24.

Following: "1994"

Insert: "and for the first 6 months of fiscal year 1995"

11. Page 16, line 1.

Following: "Note:"

Strike: "Includes"

Insert: "Does Not Include"

12. Page 16, line 18 through page 17, line 5.

Strike: lines in their entirety

Insert: STEP	BA	BA+1	BA+2	BA+3	MA	MA+1
"1	22,412	23,071	23,713	24,034	24,357	25,016
2	23,167	23,883	24,600	24,959	25,322	26,065
3	23,922	24,713	25,495	25,909	26,323	27,138
4	24,678	25,556	26,421	26,878	27,334	28,208
5	25,438	26,421	27,353	27,848	28,346	29,280
6	26,226	27,297	28,288	28,822	29,358	30,352
7	27,016	28,166	29,217	29,793	30,367	31,420
8	27,810	29,039	30,153	30,767	31,381	32,490
9	28,603	29,910	31,085	31,737	32,394	33,561
10	29,396	30,786	32,016	32,709	33,403	34,633
11	30,191	31,628	32,945	33,680	34,415	35,702
12	30,191	31,628	32,945	33,680	34,415	35,702
13	30,191	31,628	32,945	33,680	34,415	35,702"

13. Page 17, line 7.

Following: "1994"

Insert: "and for the first 6 months of fiscal year 1995"

14. Page 17, line 8.

Following: "Note:"

Strike: "Includes"

Insert: "Does Not Include"

15. Page 17, line 25 through page 18, line 12.

Strike: lines in their entirety

Insert: STEP	BA	BA+1	BA+2	BA+3	MA	MA+1
"1	17,924	18,432	18,953	19,207	19,462	19,983
2	18,521	19,087	19,654	19,937	20,222	20,788
3	19,117	19,742	20,355	20,670	20,982	21,594
4	19,716	20,401	21,056	21,400	21,743	22,400
5	20,311	21,056	21,757	22,130	22,504	23,207
6	20,909	21,715	22,461	22,862	23,265	24,013
7	21,503	22,368	23,160	23,593	24,025	24,817

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8	22,101	23,026	23,864	24,325	24,788	25,622
9	22,698	23,681	24,565	25,056	25,549	26,443
10	23,295	24,339	25,266	25,786	26,321	27,292
11	23,892	24,974	25,968	26,537	27,119	28,135
12	23,892	24,974	25,968	26,537	27,119	28,135
13	23,892	24,974	25,968	26,537	27,119	28,135"

16. Page 20, line 1.

Following: "teachers for"

Insert: "the last 6 months of"

17. Page 20, line 3.

Following: "Note:"

Strike: "Includes"

Insert: "Does Not Include"

18. Page 20, line 20 through page 21, line 7.

Strike: lines in their entirety

Insert: STEP	BA	BA+1	BA+2	BA+3	MA	MA+1
"1	22,748	23,417	24,069	24,395	24,722	25,391
2	23,515	24,241	24,969	25,333	25,702	26,456
3	24,281	25,084	25,877	26,298	26,718	27,545
4	25,048	25,939	26,817	27,281	27,744	28,631
5	25,820	26,817	27,763	28,266	28,771	29,719
6	26,619	27,706	28,712	29,254	29,798	30,807
7	27,421	28,588	29,655	30,240	30,823	31,891
8	28,227	29,475	30,605	31,229	31,852	32,977
9	29,032	30,359	31,551	32,213	32,880	34,064
10	29,837	31,248	32,496	33,200	33,904	35,152
11	30,644	32,102	33,439	34,185	34,931	36,238
12	30,644	32,102	33,439	34,185	34,931	36,238
13	30,644	32,102	33,439	34,185	34,931	36,238"

19. Page 21, line 8.

Following: "teachers for"

Insert: "the last 6 months of"

20. Page 21, line 10.

Following: "Note:"

Strike: "Includes"

Insert: "Does Not Include"

21. Page 22, lines 2 through 14.

Strike: lines in their entirety

Insert: STEP	BA	BA+1	BA+2	BA+3	MA	MA+1
"1	17,924	18,432	18,953	19,207	19,462	19,983
2	18,521	19,087	19,654	19,937	20,222	20,788
3	19,117	19,742	20,355	20,670	20,982	21,594
4	19,716	20,401	21,056	21,400	21,743	22,400
5	20,311	21,056	21,757	22,130	22,504	23,207
6	20,909	21,715	22,461	22,862	23,265	24,013
7	21,503	22,368	23,160	23,593	24,025	24,817
8	22,101	23,026	23,864	24,325	24,788	25,622

9	22,698	23,681	24,565	25,056	25,549	26,443
10	23,295	24,339	25,266	25,786	26,321	27,292
11	23,892	24,974	25,968	26,537	27,119	28,135
12	23,892	24,974	25,968	26,537	27,119	28,135
13	23,892	24,974	25,968	26,537	27,119	28,135"

22. Page 22, line 18.

Following: "1994"

Insert: "and for the first 6 months of fiscal year 1995"

23. Page 22, line 19.

Following: "Note:"

Strike: "With"

Insert: "Does Not Include"

24. Page 22, line 22.

Strike: line 22 in its entirety

25. Page 23, line 20 through page 24, line 2.

Strike: lines in their entirety

Insert: "L1	0.000
L2	8.609
L3	9.109
L4	9.389
L5	9.679
L6	10.289
L7	10.949
L8	11.699"

26. Page 24, line 4.

Following: "for"

Insert: "the last 6 months of"

27. Page 24, line 6.

Following: "Note:"

Strike: "With"

Insert: "Does Not Include"

28. Page 24, line 9.

Strike: line 9 in its entirety

29. Page 24, lines 18 through 25.

Strike: lines in their entirety

Insert: "L1	0.000
L2	8.754
L3	9.254
L4	9.534
L5	9.824
L6	10.434
L7	11.094
L8	11.844"

30. Page 25, line 3.



Following: "1994"

Insert: "and for the first 6 months of fiscal year 1995"

31. Page 25, line 5.

Following: "Note:"

Strike: "With"

Insert: "Does Not Include"

32. Page 25, line 8.

Strike: line 8 in its entirety

33. Page 25, line 22 through page 26, line 9.

Strike: lines in their entirety

Insert:	"B1	9.084
	B2	9.484
	B3	9.884
	B4	10.284
	B5	10.684
	B6	11.084
	B7	11.484
	B8	11.884
	B9	12.284
	B10	12.684
	B11	13.084
	B12	13.484
	B00	13.884"

34. Page 27, line 4.

Following: "workers for"

Insert: "the last 6 months of"

35. Page 27, line 6.

Following: "Note:"

Strike: "With"

Insert: "Does Not Include"

36. Page 27, line 9.

Strike: line 9 in its entirety

37. Page 27, line 23 through page 28, line 10.

Strike: lines in their entirety

Insert:	"B1	9.266
	B2	9.666
	B3	10.066
	B4	10.466
	B5	10.866
	B6	11.266
	B7	11.666
	B8	12.066
	B9	12.466
	B10	12.866
	B11	13.266
	B12	13.666

B00

14.066"

38. Page 32, line 1.

Strike: "7,096" (FY 94 general fund)

Insert: "7,113" (FY 94 general fund)

Strike: "7,268" (FY 94 other funds)

Insert: "7,705" (FY 94 other funds)

39. Page 32, line 2.

Strike: "29,810" (FY 95 general fund)

Insert: "22,301" (FY 95 general fund)

Strike: "20,440" (FY 95 other funds)

Insert: "24,200" (FY 95 other funds)

40. Page 32, line 5.

Strike: "3,602" (FY 94 general fund)

Insert: "3,792" (FY 94 general fund)

41. Page 32, line 6.

Strike: "14,956" (FY 95 general fund)

Insert: "12,751" (FY 95 general fund)

42. Page 32, line 9.

Strike: "6,240" (FY 94 general fund)

Insert: "6,593" (FY 94 general fund)

Strike: "3,108" (FY 94 other funds)

Insert: "3,247" (FY 94 other funds)

43. Page 32, line 10.

Strike: "32,173" (FY 95 general fund)

Insert: "26,374" (FY 95 general fund)

Strike: "4,548" (FY 95 other funds)

Insert: "5,631" (FY 95 other funds)

44. Page 32, line 13.

Strike: "1,466" (FY 94 general fund)

Insert: "1,543" (FY 94 general fund)

Strike: "0" (FY 95 other funds)

Insert: "30" (FY 95 other funds)

45. Page 32, line 14.

Strike: "6,068" (FY 95 general fund)

Insert: "4,682" (FY 95 general fund)

46. Page 32, line 17.

Strike: "1,140" (FY 94 other funds)

Insert: "1,200" (FY 94 other funds)

47. Page 32, line 18.

Strike: "3,244" (FY 95 other funds)

Insert: "4,400" (FY 95 other funds)

48. Page 32, line 21.

Strike: "18,240" (FY 94 general fund)

Insert: "19,286" (FY 94 general fund)

Strike: "2,508" (FY 94 other funds)

Insert: "2,587" (FY 94 other funds)

49. Page 32, line 22.

Strike: "75,725" (FY 95 general fund)

Insert: "70,178" (FY 95 general fund)

Strike: "7,136" (FY 95 other funds)

Insert: "7,174" (FY 95 other funds)

50. Page 32, line 25.

Strike: "2,514,796" (FY 95 general fund)

Insert: "1,926,552" (FY 95 general fund)

Strike: "837,649" (FY 95 other funds)

Insert: "865,268" (FY 95 other funds)

51. Page 33, line 4.

Strike: "1,538,072" (FY 94 other funds)

Insert: "1,581,230" (FY 94 other funds)

52. Page 33, line 5.

Strike: "963,220" (FY 94 general fund)

Insert: "975,226" (FY 94 general fund)

Strike: "4,404,704" (FY 95 other funds)

Insert: "4,755,679" (FY 95 other funds)

53. Page 33, line 6.

Strike: "3,830,979" (FY 95 general fund)

Insert: "2,811,663" (FY 95 general fund)

54. Page 33, line 9.

Following: "17-7-102(16)."

Insert: "The legislature recognizes that the Montana university system will need to increase tuition and fees to fund the increases authorized by [this act]."

55. Page 39, following line 12.

Insert: "NEW SECTION. Section 13. Limitation on choice of benefits. A state employee who chooses to accept severance pay as provided under 2-18-622(2) is not eligible for any of the benefits provided for in House Bill No. 522 except those provided in [section 3(1)(b)] of that bill."

Renumber: subsequent sections

56. Page 39, line 16.

Following: "(2)"

Strike: remainder of line 16

Insert: "[Sections 8, 12, and 13 and this section] are effective on passage and approval."

57. Page 39, line 17.

Strike: "SECTION"

Insert: "Sections"

Strike: "9"

Insert: "8, 12, and 13"

58. Page 39, line 18.

Strike: "TERMINATES"

Insert: "terminate"

And that this Free Conference Committee report be adopted.

For the House:

For the Senate:

Peterson, Chairman

Waterman, Chairman

Simpkins

Forrester

Peck

Free Conference Committee  
on House Bill 667  
Report No. 1, April 24, 1993

Mr. Speaker and Mr. President:

We, your Free Conference Committee on House Bill 667, met and considered: House Bill 667 in its entirety. We recommend that House Bill 667 (reference copy - salmon) be amended as follows:

1. Title, page 1, line 22.

Strike: "3"

Insert: "5"

2. Title, page 2, lines 13 and 14.

Following: "BY" on line 13

Strike: remainder of line 13 through "BUDGET" on line 14

Insert: "THE DISTRICT'S DIRECT STATE AID AND 40 PERCENT OF THE  
SPECIAL EDUCATION ALLOWABLE COST"

3. Title, page 2, line 15.

Strike: "40 PERCENT OF"

Following: "STATEWIDE"

Strike: remainder of line 15

Insert: "DIRECT STATE AID AND 40 PERCENT OF THE SPECIAL  
EDUCATION ALLOWABLE COST"

4. Title, page 2, line 17.

Strike: "191"

Insert: "175"

5. Title, page 3, line 4.

Following: "PROVIDING"

Insert: "STATE REIMBURSEMENT FOR SCHOOL FACILITIES BASED ON  
A VARIATION OF"

6. Title, page 3, line 7.



Following: "ANB;"

Insert: "LIMITING THE STATE REIMBURSEMENT FOR SCHOOL FACILITIES TO \$2 MILLION FOR THE BIENNIUM ENDING JUNE 30, 1995;"

7. Title, page 4, line 9.

Following: "ACT;"

Insert: "APPROPRIATING FUNDS TO THE LEGISLATIVE AUDITOR TO PAY FOR AUDIT COSTS; APPROPRIATING FUNDS TO THE LEGISLATIVE COUNCIL FOR AN INTERIM STUDY COMMITTEE;"

8. Title, page 4, line 12.

Following: "20-3-106,"

Insert: "20-3-205,"

9. Page 4, line 14.

Strike: "20-7-117,"

Insert: "20-6-703, 20-7-306, 20-7-435,"

10. Title, page 4, line 16.

Strike: "20-9-304,"

11. Title, page 4, line 18.

Strike: "20-9-348,"

12. Title, page 4, line 20.

Following: "MCA"

Insert: ", AND SECTION 6, CHAPTER 14, SPECIAL LAWS OF JANUARY 1992"

13. Title, page 4, lines 22 and 23.

Following: "20-9-348," on line 22

Insert: "AND 20-9-348,"

Following: "MCA," on line 22

Strike: remainder of line 22 through "1992," on line 23

14. Page 6, line 22.

Following: "PRACTICABLE"

Insert: "; and

WHEREAS, in developing any request for proposals for software and data processing development, the superintendent of public instruction shall solicit input from school officials and organizations to accomplish the intent of [this act]"

15. Page 7, line 5.

Strike: "ANY AMOUNT UP TO"

16. Page 7, line 6.

Strike: "UP TO"

17. Page 7, line 7.

Strike: "BUDGETED IN"

Insert: "for"

18. Page 7, line 14.

Strike: "80% of"

Strike: "maximum"

Insert: "minimum"

19. Page 7, line 15.

Following: "district"

Insert: ", which includes 80% of the basic entitlement, 80% of the total per-ANB entitlement, and up to 140% of the special education allowable cost payment"

20. Page 8, line 17.

Following: line 16

Insert: "(7) "Direct state aid" means 40% of the basic entitlement and 40% of the total per-ANB entitlement for the general fund budget of a district and funded with state and county equalization aid."

Renumber: subsequent subsections

21. Page 8, line 20.

Following: "AND"

Insert: "up to 153% of"

22. Page 8, lines 21 and 22.

Following: "PAYMENTS" on line 21

Strike: remainder of line 21 through "PAYMENTS" on line 22

23. Page 9, line 13.

Following: "district"

Insert: "or a K-12 district high school program"

24. Page 10, line 8.

Strike: "2,000" in both places

Insert: "1,000" in both places

25. Page 10, line 9.

Strike: "2,000TH"

Insert: "1,000th"

26. Page 16, lines 18 through 24.

Strike: line 18 through "(III)" on line 24

Insert: ":

(i) may increase the general fund budget for the district by 4% of the previous year's general fund budget or by 4% of the previous year's general fund budget per-ANB multiplied by the current year's ANB for budgeting purposes; but

(ii) may not adopt a general fund budget that reflects less than the following general fund budget growth amounts"

27. Page 16, line 25.

Following: line 24

Insert: "(A) 20% of the range between the district general fund budget for the school fiscal year ending June 30, 1993, and the BASE budget for the district for the school fiscal year beginning July 1, 1993;

(B) 25% of the range between the district general fund budget for the school fiscal year ending June 30, 1994, and the BASE budget for the district for the school fiscal year beginning July 1, 1994;"

Renumber: subsequent subsections

28. Page 17, lines 1 and 3.

Strike: "1993" on both lines

Insert: "1995"

29. Page 17, lines 5 and 7.

Strike: "1994" on both lines

Insert: "1996"

30. Page 17, lines 10 and 11.

Strike: "1995" on both lines

Insert: "1997"

31. Page 17, line 12.

Following: "(B)"

Insert: "(i) For the school fiscal year beginning July 1, 1993, a district may not exceed the limitations in subsection (2) (a).

(ii)"

32. Page 17, line 19.

Following: line 18

Insert: "(c) Nothing in this section is intended to require a district to budget in excess of its BASE budget."

33. Page 18, line 8.

Strike: "LEVY"

34. Page 18, line 11.

Following: line 10

Insert: "(c) For the school fiscal year beginning July 1, 1993, a district may not exceed the limitations in subsection (3) (a)."

35. Page 18, lines 16 and 17.

Following: "THAN" on line 16

Strike: remainder of line 16 through "(I)" on line 17

36. Page 18, lines 18 through 20.

Following: "YEAR" on line 18

Strike: remainder of line 18 through "YEAR" on line 20

37. Page 19, line 24.

Following: line 23

Insert: "[(7) For the purpose of this section, the general fund budget or general fund per-ANB budget for the school fiscal year ending June 30, 1993, is the general fund budget funded by any state, local, and federal revenue, excluding Public Law 81-874 receipts received in the school fiscal year ending June 30, 1993. Before excluding any Public Law 81-874 funding, a district may increase the district

general fund budget for the school fiscal year ending June 30, 1993, by the allowable increases in subsections (2) and (3).]"

38. Page 21, line 7.

Following: "additional"

Insert: "direct"

39. Page 21, line 20.

Following: "aid"

Insert: "and special education allowable cost payments"

40. Page 24, line 6.

Following: "aid"

Strike: "for county retirement levy obligations"

41. Page 34, lines 13 and 14.

Following: "~~20-9-320~~" on line 13

Strike: remainder of line 13 through "(iii)" on line 14

42. Page 35, line 13.

Strike: "20-9-502"

Insert: "20-9-353"

43. Page 35, line 14.

Strike: "OR"

Insert: "(c) the cost of constructing, purchasing, or acquiring the site or building is financed without exceeding the maximum general fund budget amount for the district and, in the case of a site purchase, the site has been approved under the provisions of 20-6-621; or"

Renumber: subsequent subsection

44. Page 39, line 12.

Strike: "~~44~~"

Insert: "41"

45. Page 49, lines 13 through 15.

Following: "less the" on line 13

Strike: remainder of line 13 through "budget" on line 15

Insert: "sum of direct state aid and the special education allowable cost payment"

46. Page 49, lines 23 and 24.

Following: "budget" on line 23

Strike: remainder of line 23 through "district" on line 24

47. Page 50, line 2.

Following: "totaling"

Insert: ":

(i) general fund balance reappropriated, as established under the provisions of 20-9-104; and  
(ii)"

48. Page 50, lines 3 through 11.



Following: "EACH" on line 3

Strike: remainder of line 3 through "anticipated" on line 11

Insert: "of the following sources:

(A)"

Renumber: subsequent subsections

49. Page 50, lines 14 and 15.

Strike: subsection (III) in its entirety

Renumber: subsequent subsections

50. Page 50, lines 16 and 18.

Strike: "anticipated or reappropriated" on both lines

51. Page 50, lines 21, 23, and 25.

Strike: "anticipated" on those lines

52. Page 51, lines 2 and 3.

Following: "LX" on line 2

Strike: remainder of line 2 through "reappropriated" on line 3

53. Page 51, line 5.

Strike: "anticipated"

54. Page 51, lines 8 and 9.

Following: "revenue" on line 8

Strike: remainder of line 8 through "be" on line 9

Strike: "ensuing" on line 9

55. Page 51, line 24.

Strike: "levy"

56. Page 52, lines 9 through 11.

Following: "levied" on line 9

Strike: remainder of line 9 through "MILLS" on line 11

57. Page 53, line 4.

Strike: "44"

Insert: "41"

58. Page 58, line 1.

Following: "BUDGET."

Insert: "If the petition is for a budget amendment for an enrollment increase as provided in 20-9-161(1), the superintendent of public instruction shall adjust the district's maximum general fund budget based on the approved enrollment increase. Upon approval, a district may not adopt a budget amendment if the amount will cause the district to exceed the district's adjusted maximum general fund budget."

59. Page 61, lines 6 and 7.

Following: "20-9-347" on line 6

Strike: remainder of line 6 through "1" on line 7

Insert: "direct state aid"

60. Page 61, line 9.

Following: "ONE-HALF"

Insert: "of the direct state aid"

61. Page 61, line 13.

Strike: "BASE budget"

Insert: "direct state aid"

62. Page 62, lines 11 and 12.

Following: "~~shall~~" on line 11

Strike: remainder of line 11 through "budget" on line 12

Insert: "direct state aid"

63. Page 62, lines 15 and 16.

Following: "~~program~~" on line 15

Strike: remainder of line 15 through "program" on line 16

Insert: "direct state aid"

64. Page 62, lines 17 and 21.

Strike: "BASE budget" on both lines

Insert: "direct state aid"

65. Page 62, lines 19 and 20.

Following: "~~program~~" on line 19

Strike: remainder of line 19 through "budget" on line 20

Insert: "direct state aid"

66. Page 63, lines 3, 6, and 8.

Strike: "BASE budget" on those lines

Insert: "direct state aid"

67. Page 63, line 10.

Strike: "BASE budget program"

Insert: "direct state aid amount"

68. Page 63, line 13.

Strike: "BASE funding program"

Insert: "direct state aid"

69. Page 64, lines 21, 23, and 25.

Strike: "Attendance" or "attendance" on those lines

Insert: "Enrollment" or "enrollment"

70. Page 65, lines 10 and 11.

Following: "days," on line 10

Strike: remainder of line 10 through "days," on line 11

71. Page 66, line 7.

Following: "SPECIAL"

Insert: "education"

72. Page 69, line 14.

Following: "~~program~~"

Insert: "basic entitlement and"

73. Page 69, line 24.

Strike: "preceding"

Insert: "current"

74. Page 70, lines 2 and 5.

Following: "~~amount~~" on both lines

Insert: "basic entitlement and"

75. Page 70, line 23.

Following: "~~program~~"

Insert: "basic entitlement and"

76. Page 71, lines 7 and 13.

Following: "~~program~~" on both lines

Insert: "basic entitlement and"

77. Page 71, line 25 through page 72, line 16.

Strike: subsection (7) in its entirety

78. Page 74, lines 15 through 25.

Following: "20-9-507." on line 15

Strike: remainder of line 15 through "year." on line 25

79. Page 76, lines 2 through 8.

Strike: lines 2 through 8 in their entirety

80. Page 76, lines 20 and 21.

Following: "payment" on line 20

Strike: remainder of line 20 through "services" on line 21

81. Page 76, line 22.

Following: "board"

Insert: "for special education services"

82. Page 79, lines 13 and 14.

Following: "year's" on line 13

Strike: remainder of line 13 through "program" on line 14

Insert: "special education allowable cost"

83. Page 80, lines 1 through 9.

Strike: subsection (8) in its entirety

84. Page 84, lines 20 and 21.

Following: "aid." on line 20

Insert: "state reimbursement for school facilities,"

Following: "FUNDS" on line 20

Strike: remainder of line 20 through "ACCOUNT" on line 21

85. Page 85, line 7.

Following: "┐"

Insert: "state reimbursement for school facilities,"

86. Page 85, line 10.  
Strike: "0.128% FOR"

87. Page 88, lines 11 through 13.  
Following: "aid" on line 11  
Strike: remainder of line 11 through "money" on line 13

88. Page 89, lines 11 and 12.  
Following: "equalization" on line 11  
Strike: remainder of line 11 through " " on line 12  
Insert: "direct state aid"

89. Page 89, lines 14 and 15.  
Following: "THE" on line 14  
Strike: remainder of line 14 through " " on line 15  
Insert: "direct state aid"

90. Page 89, line 18.  
Strike: "SENT"  
Insert: "submitted"

91. Page 90, lines 6 and 7.  
Following: "equalization" on line 6  
Strike: remainder of line 6 through "aid," on line 7  
Insert: "direct state aid"

92. Page 90, lines 8 and 9.  
Following: "equalization" on line 8  
Strike: remainder of line 8 through "BASE" on line 9  
Insert: "direct state"

93. Page 90, lines 16, 18, and 20.  
Following: "state" on those lines  
Insert: "and county"

94. Page 90, line 24 through page 91, line 1.  
Following: "instruction" on line 24  
Strike: remainder of page 90, line 24 through "20-9-347" on page 91, line  
1

95. Page 91, line 2.  
Following: line 1  
Insert: "(2) for the purposes of state reimbursements for school facilities,  
limiting the distribution from the state equalization aid account to  
no more than \$1 million for the school fiscal year ending June 30,  
1994, and to no more than \$2 million for the biennium ending  
June 30, 1995, to the districts that are eligible under the  
provisions of 20-9-366 through 20-9-369 and [sections 38 and 39]  
by:

(a) determining by May 1 of each school fiscal year the  
number of mills levied in each district for debt service on bonds  
that were issued as provided in [section 38(2)(b)(i) or (2)(b)(ii)] and



that qualify for guaranteed tax base aid under the provisions of 20-9-366 through 20-9-369 and [section 38];

(b) based on the limitation of state equalization aid available for debt service purposes in this subsection (2), determining the percentage of state equalization aid that each eligible district must receive for the school fiscal year;

(c) distributing that amount to each eligible district for reducing the property tax for the debt service fund for the ensuing school fiscal year; and

(d) at the end of the school fiscal year ending June 30, 1994, determining whether there is an unused portion of the amount of state equalization aid appropriated in this subsection (2) to be carried into the next school fiscal year for the purposes of this subsection (2)."

Renumber: subsequent subsections

96. Page 91, lines 3 and 11.

Strike: "state equalization" on both lines

Insert: "BASE"

97. Page 91, line 18.

Following: "state"

Insert: "and county"

98. Page 92, line 4.

Strike: "Formula for"

Insert: "Distribution of"

99. Page 92, line 5.

Strike: "apportionment"

Insert: "and special education allowable cost payments"

100. Page 92, line 6 through page 93, line 19.

Strike: subsection (1) in its entirety

Renumber: subsequent subsections

101. Page 93, line 22.

Following: "with a"

Insert: "monthly"

Strike: "apportionments"

Insert: "payment"

102. Page 93, line 24 through page 94, line 2.

Following: "county" on line 24

Strike: remainder of line 24 through "report" on page 94, line 2

103. Page 94, line 9.

Strike: "(2)(b)"

Insert: "(1)(b)"

104. Page 94, line 25 through page 95, line 1.

Following: "AID" on line 25

Strike: remainder of page 94, line 25 through "aid" on page 95, line 1

105. Page 95, line 2.

Following: line 1

Insert: "(3) The superintendent of public instruction shall:

(a) distribute special education allowable cost payments to districts; and

(b) supply the county treasurer and the county superintendent of public instruction with a report of payments for special education allowable costs to districts of the county."

106. Page 95, lines 2 through 16.

Strike: section 28 in its entirety

Renumber: subsequent sections

107. Page 97, line 14.

Strike: "only"

108. Page 97, line 22.

Strike: "raise"

Insert: "expend"

109. Page 97, line 23.

Strike: "raised"

Insert: "expended"

110. Page 99, lines 6, 7, and 20.

Strike: "taxable" on those lines

Insert: "mill"

111. Page 99, lines 18 and 19.

Strike: "40%" on line 18 through "OF" on line 19

Following: "THE" on line 19

Insert: "sum of the"

Following: "YEAR"

Strike: "MAXIMUM GENERAL FUND BUDGET"

Insert: "direct state aid and 40% of the special education allowable cost payment"

112. Page 99, lines 20 and 21.

Strike: "DEBT" on line 20 through "RETIREMENT" on line 21

Insert: "school facility entitlement"

113. Page 100, lines 7 and 8.

Strike: "taxable" on both lines

Insert: "mill"

114. Page 100, line 9.

Strike: "DEBT SERVICE"

Insert: "school facility entitlement"

115. Page 100, line 17.

Following: "Statewide"

Insert: "elementary"

116. Page 100, line 19.

Strike: "FOR ELEMENTARY DISTRICTS"

117. Page 100, line 20.

Following: line 19

Insert: "high school"

Strike: "FOR HIGH SCHOOL DISTRICTS"

118. Page 100, line 24.

Strike: "191%"

Insert: "175%"

119. Page 100, line 25.

Strike: "40% OF"

Following: "total"

Insert: "sum of either the"

120. Page 101, line 2.

Strike: "and"

Insert: "or the"

121. Page 101, lines 3 and 4.

Following: "entitlement" on line 3

Strike: remainder of line 3 through "BUDGET" on line 4

Insert: "direct state aid and 40% of special education allowable cost"

122. Page 101, line 11.

Following: line 10

Insert: "elementary or high school"

123. Page 101, lines 11 through 13.

Following: "RATIO" on line 11

Strike: remainder of line 11 through "DISTRICTS" on line 13

124. Page 101, lines 14 through 17.

Following: "levied" on line 14

Strike: remainder of line 14 through "MILLS," on line 17

125. Page 101, line 19.

Following: "entitlement"

Strike: "and"

Insert: ","

126. Page 101, line 20.

Following: "entitlement"

Insert: ", and up to 40% of the special education allowable cost payment"

127. Page 101, lines 21, 22, and 24.

Strike: "taxable" on those lines

Insert: "mill"

Following: "or" on line 22

Strike: "1"

Insert: "or"

128. Page 101, line 23.

Strike: ", OR THE DISTRICT TAXABLE VALUE PER ANB"

129. Page 102, line 5.

Following: line 4

Insert: "(3) For the purposes of [sections 38 and 39], if the district mill value per elementary ANB or the district mill value per high school ANB is less than the corresponding statewide mill value per elementary ANB or statewide mill value per high school ANB, the district may receive guaranteed tax base aid based on the number of mills levied in support of the debt service fund."

130. Page 102, lines 10, 11, 18, and 19.

Strike: "taxable" on those lines

Insert: "mill"

131. Page 103, lines 8 and 9.

Following: "MULTIPLY" on line 8

Strike: remainder of line 8 through "AMOUNT" on line 9

Insert: "the sum of the district's direct state aid and 40% of the special education allowable cost payment"

132. Page 103, lines 16 through 25.

Strike: subsection (4) in its entirety

Renumber: subsequent subsection

133. Page 107, lines 21, 23, and 25.

Strike: "Attendance" or "attendance" on those lines

Insert: "Enrollment" or "enrollment"

134. Page 108, lines 10 and 11.

Following: "days," on line 10

Strike: remainder of line 10 through "days," on line 11

135. Page 109, line 20.

Following: "[a]"

Insert: "(i) a school of the district is located more than 20 miles beyond the incorporated limits of a city or town located in the district and at least 20 miles from any other school of the district, the number of regularly enrolled, full-time pupils of the school must be calculated separately for ANB purposes and the district must receive a basic entitlement for the school calculated separately from the other schools of the district;

(ii) a school of the district is located more than 20 miles from any other school of the district and no incorporated territory is involved in the district, the number of regularly enrolled, full-time pupils of the school must be calculated separately for ANB purposes and the district must receive a basic entitlement for the school calculated separately from the other schools of the district; or

(iii) the superintendent of public instruction approves an application not to aggregate when conditions exist affecting transportation, such as poor roads, mountains, rivers, or other



obstacles to travel, or when any other condition exists that would result in an unusual hardship to the pupils of the school if they were transported to another school, the number of regularly enrolled, full-time pupils of the school must be calculated separately for ANB purposes and the district must receive a basic entitlement for the school calculated separately from the other schools of the district;

(b)"

Renumber: subsequent subsections

136. Page 111, line 3.

Following: "statewide"

Insert: "and district"

137. Page 111, line 9.

Following: "each"

Insert: "school district and"

138. Page 111, line 10.

Following: "statewide"

Strike: "and"

Insert: ", "

Following: "county"

Insert: ", and district"

139. Page 111, line 12.

Following: "statewide"

Strike: "and"

Insert: ", "

Following: "county"

Insert: ", and district"

140. Page 111, line 14.

Following: "counties"

Insert: "and districts"

141. Page 112, line 10.

Following: line 9

Insert: "(4) For the purposes of implementing 20-9-366 through 20-9-368 and this section for the school fiscal year beginning July 1, 1993, the superintendent of public instruction shall estimate the direct state aid for a district for the school fiscal year beginning July 1, 1993, in order to calculate the district and statewide guaranteed tax base ratios for that school fiscal year. For succeeding school fiscal years, the superintendent of public instruction shall calculate the district and statewide guaranteed tax base ratios by applying the prior year's direct state aid payment."

142. Page 115, line 12.

Following: "20-9-435;"

Insert: "(iii) any state reimbursement for school facilities distributed to a qualified district under the provisions of 20-9-346, [section 38], and [section 39];"

Renumber: subsequent subsection

143. Page 115, line 23 through page 116, line 6.

Strike: subsection (c) in its entirety

144. Page 116, line 8.

Strike: "(1)(c)"

Insert: "(1)(b)"

145. Page 117, lines 19 and 20.

Following: "20-5-307(4)" on line 19

Strike: ",

Insert: "and"

Following: "20-5-312(8)" on line 20

Strike: ", and 20-9-321"

146. Page 118, line 16 through page 119, line 16.

Strike: Section 39 in its entirety

Insert: "NEW SECTION. Section 38. Definitions. As used in this title, unless the context clearly indicates otherwise, the following definitions apply:

(1) "School facility entitlement" means:

(a) \$220 per ANB for an elementary school district;

(b) \$330 per ANB for a high school district; or

(c) \$270 per ANB for an approved and accredited junior high school or middle school.

(2) "State reimbursement for school facilities" means the amount of state equalization aid distributed to a district that:

(a) is eligible for guaranteed tax base aid under the provisions of 20-9-366 through 20-9-369; and

(b) (i) for the school fiscal years beginning July 1, 1993, and July 1, 1994, has outstanding bonded indebtedness on bonds sold in the debt service fund of the district after July 1, 1991;

(ii) for the school fiscal year beginning July 1, 1995, and for succeeding school fiscal years, has outstanding bonded indebtedness on bonds sold in the debt service fund of the district in any year.

(3) "Total school facility entitlement" means the school facility entitlement times the total ANB for the district.

NEW SECTION. Section 39. Calculation and uses of school facility entitlement amount. (1) The state reimbursement for school facilities for a district is the percentage determined in 20-9-346(2)(b) times (1-(district mill value per ANB/statewide mill value per ANB)) times the lesser of the total school facility entitlement calculated under the provisions of [section 38] or the district's current year debt service obligations on bonds that qualify under the provisions of [section 38(2)(b)(i) or (2)(b)(ii)].

(2) For the school fiscal years beginning July 1, 1993, and July 1, 1994, the trustees of a district may apply the state reimbursement for school facilities to reduce the levy requirement for all outstanding bonded indebtedness on bonds sold in the debt service fund of the district after July 1, 1991.

(3) For the school fiscal year beginning July 1, 1995, and for succeeding school fiscal years, the trustees of a district may apply the state reimbursement for school facilities to reduce the levy requirement of all bonded indebtedness in the district debt service fund."

Renumber: subsequent sections

147. Page 121, line 11 through page 124, line 24.

Strike: sections 41, 42, and 43 in their entirety

Renumber: subsequent sections

148. Page 125, line 11 through page 126, line 4.

Strike: subsection (3) in its entirety

149. Page 134, lines 5 and 7.

Strike: "foundation programs" on both lines

Insert: "BASE aid"

150. Page 136, line 17.

Strike: "in support of the elementary foundation programs"

151. Page 136, lines 18 and 19.

Following: "tax" on line 18

Strike: remainder of line 18 through "programs" on line 19

152. Page 137, line 25 and page 138, lines 1, 3, 8, and 20.

Strike: "foundation program" on those lines

Insert: "direct state aid"

153. Page 138, line 22.

Following: line 21

Insert: "Section 48. Section 20-3-205, MCA, is amended to read:

"20-3-205. Powers and duties. The county superintendent has general supervision of the schools of the county within the limitations prescribed by this title and shall perform the following duties or acts:

(1) determine, establish, and reestablish trustee nominating districts in accordance with the provisions of 20-3-352, 20-3-353, and 20-3-354;

(2) administer and file the oaths of members of the boards of trustees of the districts in his county in accordance with the provisions of 20-3-307;

(3) register the teacher or specialist certificates or emergency authorization of employment of any person employed in the county as a teacher, specialist, principal, or district superintendent in accordance with the provisions of 20-4-202;

(4) act on each tuition application submitted to him in accordance with the provisions of 20-5-301, 20-5-302, 20-5-304, and 20-5-311 and transmit the tuition information required by 20-5-312;

(5) file a copy of the audit report for a district in accordance with the provisions of 20-9-203;

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(6) classify districts in accordance with the provisions of 20-6-201 and 20-6-301;

(7) keep a transcript and reconcile the district boundaries of the county in accordance with the provisions of 20-6-103;

(8) fulfill all responsibilities assigned to him under the provisions of this title regulating the organization, alteration, or abandonment of districts;

(9) act on any unification proposition and, if approved, establish additional trustee nominating districts in accordance with 20-6-312 and 20-6-313;

(10) estimate the average number belonging (ANB) of an opening school in accordance with the provisions of 20-6-502, 20-6-503, 20-6-504, or 20-6-506;

(11) process and, when required, act on school isolation applications in accordance with the provisions of 20-9-302;

(12) complete the budgets, compute the budgeted revenues and tax levies, file final budgets and budget amendments, and fulfill other responsibilities assigned to him under the provisions of this title regulating school budgeting systems;

(13) submit an annual financial report to the superintendent of public instruction in accordance with the provisions of 20-9-211;

(14) monthly, unless otherwise provided by law, order the county treasurer to apportion state money, county school money, and any other school money subject to apportionment in accordance with the provisions of 20-9-212, 20-9-334, 20-9-347, 20-10-145, or 20-10-146;

(15) act on any request to transfer average number belonging (ANB) in accordance with the provisions of 20-9-313(3);

(16) calculate the estimated budgeted general fund sources of revenue in accordance with the provisions of 20-9-348 and the other general fund revenue provisions of the general fund part of this title;

(17) compute the revenues and the district and county levy requirements for each fund included in each district's final budget and report the computations to the board of county commissioners in accordance with the provisions of the general fund, transportation, bonds, and other school funds parts of this title;

(18) file and forward bus driver certifications, transportation contracts, and state transportation reimbursement claims in accordance with the provisions of 20-10-103, 20-10-143, or 20-10-145;

(19) for districts that do not employ a district superintendent or principal, recommend library book and textbook selections in accordance with the provisions of 20-7-204 or 20-7-602;

(20) notify the superintendent of public instruction of a textbook dealer's activities when required under the provisions of 20-7-605 and otherwise comply with the textbook dealer provisions of this title;

(21) act on district requests to allocate federal money for indigent children for school food services in accordance with the provisions of 20-10-205;



(22) perform any other duty prescribed from time to time by this title, any other act of the legislature, the policies of the board of public education, the policies of the board of regents relating to community college districts, or the rules of the superintendent of public instruction;

(23) administer the oath of office to trustees without the receipt of pay for administering the oath;

(24) keep a record of his official acts, preserve all reports submitted to him under the provisions of this title, preserve all books and instructional equipment or supplies, keep all documents applicable to the administration of the office, and surrender all records, books, supplies, and equipment to his successor;

(25) within 90 days after the close of the school fiscal year, publish an annual report in the county newspaper stating the following financial information for the school fiscal year just ended for each district of the county:

(a) the total of the cash balances of all funds maintained by the district at the beginning of the year;

(b) the total receipts that were realized in each fund maintained by the district;

(c) the total expenditures that were made from each fund maintained by the district; and

(d) the total of the cash balances of all funds maintained by the district at the end of the school fiscal year; and

(26) hold meetings for the members of the trustees from time to time at which matters for the good of the districts must be discussed."

Section 49. Section 20-6-703, MCA, is amended to read:

"20-6-703. Transitions after formation of K-12 school district. (1) When an attachment order for a K-12 school district becomes effective on July 1 under the provisions of 20-6-701:

(a) the board of county commissioners shall execute all necessary and appropriate deeds, bills of sale, or other instruments for the conveyance of title to all real and personal property of the elementary district to the high school district;

(b) the trustees of the elementary district shall entrust the minutes of the board of trustees, the elementary district documents, and other records to the high school district to which it is attached; and

(c) the county treasurer shall transfer all end-of-the-year warrants and fund balances of the attached elementary district to the similar funds established for the K-12 school district in the high school district.

(2) All taxes levied by and revenue due from a previous school fiscal year to an elementary district attached to a high school district must be payable to the appropriate fund of the high school district.

(3) The previous year's general fund budget amounts for the elementary district and the high school district that form a K-12 school district must be combined to determine the budget limitation for the ensuing school fiscal year pursuant to ~~20-9-315~~ [section 3].

(4) An elementary district and a high school district that form a K-12 school district under the provisions of 20-6-701 may not be considered an enlarged district for the purpose of bonus payments under 20-6-401 through 20-6-408."

Section 50. Section 20-7-306, MCA, is amended to read:

"20-7-306. Distribution of secondary vocational education and industrial arts funds. (1) The superintendent of public instruction shall categorize secondary vocational programs into one of five weighted categories based upon the relative additional costs of those programs.

(2) The superintendent of public instruction shall determine the weighted category to be assigned industrial arts programs.

(3) The superintendent of public instruction shall adjust the weighted categories as necessary to assure that the procedures outlined in ~~subsections~~ subsection (4) ~~and (5)~~ do not result in entitlements that exceed the amount appropriated.

(4) Funding must be based upon the average number belonging (ANB) for secondary vocational education and industrial arts programs of the high school district in the ANB calculation period immediately preceding the year for which funding is requested. The ANB must be computed for each separate secondary vocational education and industrial arts program.

(5) For secondary vocational education programs, the ANB generated for each category established in subsection (1) must be multiplied by the factor for that category, and the product must be multiplied by the ~~applicable ANB dollar value established by 20-9-349~~ district's direct state aid per-ANB. Industrial arts programs must be funded at 50% of the category assigned. The high school district is entitled to receive for secondary vocational education and industrial arts, the total of the computation of all secondary vocational education and industrial arts categories.

(6) The superintendent of public instruction shall annually distribute the funds allocated in this section by November 1. The money received by the high school district must be deposited into the subfund of the miscellaneous programs fund established by 20-9-507 and may be expended only for approved secondary vocational education and industrial arts programs. The expenditure of the money must be reported in the annual trustees' report as required by 20-9-213."

Section 51. Section 20-7-435, MCA, is amended to read:

"20-7-435. Funding of educational programs at in-state children's psychiatric hospitals and in-state residential treatment programs for eligible children with emotional disturbances. (1) It is the intent of the legislature that eligible children in in-state children's psychiatric hospitals and residential treatment facilities be provided with an appropriate educational opportunity in a cost-effective manner.

(2) The superintendent of public instruction may contract with an in-state children's psychiatric hospital or residential

treatment facility for provision of an educational program for an eligible child in the hospital or treatment facility.

(3) Whenever the superintendent of public instruction contracts with an in-state children's psychiatric hospital or residential treatment facility for provision of an educational program for an eligible child in the children's psychiatric hospital or residential treatment facility, the superintendent of public instruction shall:

(a) monitor the provision of an appropriate educational opportunity for the child attending the hospital or residential treatment facility;

(b) negotiate the approval of allowable costs under the provisions of 20-7-431 for allowable costs for providing special education, including the costs of retirement benefits, federal social security system contributions, and unemployment compensation insurance; and

(c) fund 100% of any approved allowable costs under this section from funds appropriated for this purpose. An appropriation in excess of the allowable costs required under the provisions of this section must revert to the state equalization aid account.

(4) A supplemental education fee or tuition may not be charged for an eligible Montana child who receives inpatient treatment in an in-state children's psychiatric hospital or residential treatment facility.

(5) If a children's psychiatric hospital or residential treatment facility fails to provide an appropriate educational opportunity for an eligible child at the children's psychiatric hospital or residential treatment facility or fails to negotiate a contract under the provisions of subsection (2), the superintendent of public instruction shall negotiate with the school district in which the children's psychiatric hospital or residential treatment facility is located for the supervision and implementation of an appropriate educational program for a child attending the children's psychiatric hospital or residential treatment facility. The amount negotiated with the school district must be consistent with allowable costs that may be negotiated under the provisions of subsection (3).

(6) Funds provided to a district under this section:

(a) must be deposited in the miscellaneous programs fund of the district that provides the education program for an eligible child, regardless of the age or grade placement of the child who is served under a negotiated contract; and

(b) are not subject to the budget limitations in 20-9-315 [section 3]; and

~~(c) may not be included in the foundation program amount of the district."~~

Renumber: subsequent sections

154. Page 138, line 22.

Strike: "APPROPRIATION."

Insert: "Appropriations. (1)"

155. Page 139, line 2.



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Following: line 1

Insert: "(2) If House Bill No. 667 and Senate Bill No. 378 are passed and approved, then there is appropriated from the general fund \$124,910,000 to the state equalization aid account for the biennium ending June 30, 1995.

(3) There is appropriated from the general fund to the Montana legislative council for the biennium ending June 30, 1995, \$20,000 for the interim study to be assigned and conducted as provided in [section 63]."

156. Page 139, line 3.

Following: "BIENNIUM"

Insert: " -- appropriation"

157. Page 139, lines 3 through 5.

Strike: "ANY" on line 3 through "AUDIT." on line 5

Insert: "(1) The legislative audit committee, in accordance with its constitutional authority to supervise legislative postaudits, shall ensure the independence of the audit of the office of the superintendent of public instruction conducted pursuant to Title 5, chapter 13, during the 1994-95 biennium. It is the intent of the legislature that the biennial financial compliance audit for the 2 fiscal years ending June 30, 1994, be contracted. To the extent that the legislative audit committee contracts with a private firm to conduct a portion of the audit or the entire audit, including audit work required to complete the statewide audit and the federal single audit, the total cost of all audit work during the biennium must be paid first from the line item appropriation to the office of the superintendent of public instruction for audit costs.

(2) There is appropriated from the general fund to the legislative auditor \$40,000 for the biennium ending June 30, 1995, to be used if the line item appropriation to the office of the superintendent of public instruction is insufficient to pay the total audit costs."

158. Page 139, line 13.

Strike: "20-9-212," and "20-9-335."

159. Page 140, line 1.

Following: "DISTRICT."

Insert: "(1)"

160. Page 140, line 6.

Following: line 5

Insert: "(2) This section does not apply to a petition to create a new elementary or high school district that was filed prior to [the effective date of this section]."

161. Page 140, lines 7 and 10.

Strike: "44"

Insert: "41"

162. Page 140, line 11.



Strike: "SECTION 41 39 IS"

Insert: "[Sections 38 and 39] are"

163. Page 140, line 13.

Strike: "SECTION"

Insert: "sections"

Following: "41"

Insert: "38 and"

164. Page 140, line 21.

Strike: "THROUGH (4)"

Insert: "and (3)"

165. Page 141, line 8.

Strike: "SECTION"

Insert: "Sections"

Following: "23"

Insert: "and 33"

166. Page 141, line 9.

Strike: "IS"

Insert: "are"

Strike: "APPLIES"

Insert: "apply"

167. Page 141, lines 12 through 16.

Strike: subsection (4) in its entirety

168. Page 141, line 20.

Following: "348"

Insert: ", amending 20-9-303,"

169. Page 141, line 23.

Following: "348"

Insert: ", amending 20-9-311,"

170. Page 142, line 2.

Following: "348"

Insert: ", amending 20-9-321,"

171. Page 142, line 7.

Following: line 6

Insert: "(5) If House Bill No. 667 and House Bill No. 469 are passed and approved, then [section 4(1)] of House Bill No. 469 must read as follows:

"(1) Except as provided in subsections (3) and (4), whenever a child has approval to attend a school outside of the child's district of residence under the provisions of [section 1 or 2], the basis of the rate of tuition is a flat rate for each of the 15 district-size groupings determined by rule by the superintendent of public instruction by March 15 of each year, using statewide district expenditure and revenue data for the general fund, debt

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service fund, and retirement fund to determine the average district contribution."

(6) If House Bill No. 667 and House Bill No. 202 are passed and approved, then [section 12] of House Bill No. 202, amending 20-9-322, is void.

(7) If House Bill No. 667 and Senate Bill No. 235 are passed and approved, then [section 143] of Senate Bill No. 235, amending 20-9-439, is void.

(8) If House Bill No. 667 is passed and approved and if Senate Bill No. 235 is approved by the electorate, then the amendments to 20-9-344, 20-9-347, 20-9-366, and 20-9-368 in [this act] and in Senate Bill No. 235 are void and those sections are amended to read as follows:

Section 20-9-344, MCA, is amended to read:

"20-9-344. ~~Purpose of state equalization aid and duties~~ Duties of board of public education for distribution of BASE aid. (1) ~~The money available for state equalization aid must be distributed and apportioned to provide:~~

~~(a) an annual minimum operating revenue for the elementary and high schools in each county, exclusive of revenues required for debt service and for the payment of any costs and expense incurred in connection with any adult education program, recreation program, school food services program, new buildings and grounds, and transportation; and~~

~~(b) the Montana educational telecommunications network as provided in 20-32-101.~~

(2) The board of public education shall administer and distribute the ~~state equalization~~ BASE aid and state advances for county equalization in the manner and with the powers and duties provided by law. To this end, the board of public education shall:

(a) adopt policies for regulating the distribution of ~~state equalization~~ BASE aid, ~~state retirement obligation payments~~, and state advances for county equalization in accordance with the provisions of law;

(b) have the power to require reports from the county superintendents, budget boards, county treasurers, and trustees as it considers necessary; and

(c) order the superintendent of public instruction to distribute the ~~state equalization~~ BASE aid on the basis of each district's annual entitlement to the aid as established by the superintendent of public instruction. In ordering the distribution of ~~state equalization~~ BASE aid, the board of public education may not increase or decrease the ~~state equalization~~ BASE aid distribution to any district on account of any difference that may occur during the school fiscal year between budgeted and actual receipts from any other source of school revenue.

(3)(2) The board of public education may order the superintendent of public instruction to withhold distribution of ~~state equalization~~ BASE aid or order the county superintendent of schools to withhold county equalization money from a district when the district fails to:

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(a) submit reports or budgets as required by law or rules adopted by the board of public education; or

(b) maintain accredited status.

(4)(3) Prior to any proposed order by the board of public education to withhold distribution of ~~state equalization~~ BASE aid or county equalization money, the district is entitled to a contested case hearing before the board of public education, as provided under the Montana Administrative Procedure Act.

(5)(4) If a district or county receives more ~~state equalization~~ BASE aid than it is entitled to, the county treasurer shall return the overpayment to the state upon the request of the superintendent of public instruction in the manner prescribed by the superintendent of public instruction.

(6)(5) Except as provided in 20-9-347(3), the ~~foundation program payment and guaranteed tax base~~ BASE aid payment must be distributed according to the following schedule:

(a) from August to ~~May~~ October of the school fiscal year, ~~8% 10% of the foundation program payment~~ direct state aid to each district;

(b) from December to April of the school fiscal year, 10% of the direct state aid to each district;

(b)(c) in November of the school fiscal year, one-half of the guaranteed tax base aid payment ~~and one-half of the state retirement obligation payment~~ to each district or county ~~that has submitted a final budget to the superintendent of public instruction in accordance with the provisions of 20-9-134;~~

(e)(d) in May of the school fiscal year, the remainder of the guaranteed tax base aid payment ~~and one-half of the state retirement obligation payment~~ to each district or county; and

(d)(e) in June of:

(i) ~~the 1993 school fiscal year, one-half of the remaining foundation program payment of each district and on July 15, 1993, the remaining school fiscal year 1993 foundation program payment of each district; and~~

(ii) the school fiscal year, one-half of the remaining foundation program payment to each district of direct state aid and on the following July 15, the remaining payment to each district of direct state aid for the school fiscal year ending on the preceding June 30.

(7)(6) The distribution of ~~foundation program payments and guaranteed tax base aid~~ provided for in subsection (6) (5) must occur by the last working day of each month."

Section 20-9-347, MCA, is amended to read:

"20-9-347. ~~Formula for state equalization~~ Distribution of BASE aid apportionment in support of foundation base funding program and retirement -- exceptions. (1) ~~The superintendent of public instruction shall apportion the state equalization aid available for support of the foundation program, individually for the elementary districts of a county or the high school districts of a county, in accordance with 20-9-346 and on the basis of the following procedure:~~



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~~(a) Determine the percentage that the total funds available to all counties in the state in support of the foundation program (including the state money available for state equalization aid in support of the foundation program) is of the total amount of the foundation programs of all counties.~~

~~(b) Determine the percentage that the total funds available in each county in support of the foundation programs in the county (excluding state money available for state equalization aid in support of the foundation program) is of the total amount of the foundation programs of all districts of the county.~~

~~(c) Counties in which the percentage determined in subsection (1)(b) exceeds the percentage determined in subsection (1)(a) are not entitled to an apportionment of the state equalization aid in support of the foundation program.~~

~~(d) After elimination of the counties referred to in subsection (1)(c), determine the percentage that the total money available to all remaining counties in support of the foundation program (including the state money available for state equalization aid in support of the foundation program) is of the total amount of the foundation programs of all remaining counties.~~

~~(e) Each district of each remaining county is entitled to an apportionment of the state equalization aid in support of the foundation program equal to the difference between the percentage determined in subsection (1)(d) and the percentage determined for the county in subsection (1)(b) multiplied by the foundation program amount for the district.~~

(1) The superintendent of public instruction shall apportion state retirement obligation payments to each district in support of the district's retirement fund obligations. The superintendent of public instruction shall adopt rules to ensure that for school fiscal year 1995 and succeeding years, each district receives state retirement obligation payments equal to the full amount required by the elementary districts and high school districts in the county.

(2) The superintendent of public instruction shall:

(a) supply the county treasurer and the county superintendent with a monthly report of the apportionments payment of state equalization BASE aid in support of the foundation BASE funding program of each district of the county; and the state equalization aid in support of the foundation program must be apportioned to the districts in accordance with the report;

(b) in the manner described in 20-9-344, provide for a state advance to each county in an amount that is no less than the amount anticipated to be raised for the basic county tax fund as provided in 20-9-331 and for the basic special tax fund as provided in 20-9-333;

(c) adopt rules to implement the provisions of subsection (2)(b).

(3) (a) The superintendent of public instruction is authorized to adjust the schedule prescribed in 20-9-344 for distribution of the foundation program and guaranteed tax base BASE aid payments if the distribution will cause a district to register warrants under the provisions of 20-9-212(9)(8).



(b) To qualify for an adjustment in the payment schedule, a district shall demonstrate to the superintendent of public instruction, in the manner required by the office, that the payment schedule prescribed in 20-9-344 will result in insufficient money available in all funds of the district to make payment of the district's warrants. The county treasurer shall confirm the anticipated deficit. ~~Nothing in this~~ This section may not be construed to authorize the superintendent of public instruction to exceed a district's annual payment for ~~state and county equalization~~ BASE aid."

Section 20-9-366, MCA, is amended to read:

"20-9-366. Definitions. As used in 20-9-366 through 20-9-369, the following definitions apply:

(1) ~~"County retirement mill value per elementary ANB" or "county retirement mill value per high school ANB" means the sum of the taxable valuation in the previous year of all property in the county divided by 1,000, with the quotient divided by the total county elementary ANB count or the total county high school ANB count used to calculate the elementary school districts' and high school districts' current year foundation program amounts.~~

(2)(1) (a) "District guaranteed tax base ratio" for guaranteed tax base funding for the base budget of an eligible district means the taxable valuation in the previous year of all property in the district divided by the sum of the district's current year direct state aid and 40% of the special education allowable cost payment.

(b) "District mill value per ANB", for school facility entitlement purposes, means the taxable valuation in the previous year of all property in the district divided by 1,000, with the quotient divided by the ANB count of the district used to calculate the district's current year foundation program total per-ANB entitlement amount.

(3)(2) ~~"Permissive amount" means that portion of a district's general fund budget in excess of the foundation program amount for the district, as provided in 20-9-316 through 20-9-321, but not exceeding 35% of the district's foundation program amount, and which excess is authorized under the provisions of 20-9-145 and 20-9-353.~~

(4)(a) ~~"Statewide mill value per elementary ANB" or "statewide mill value per high school ANB", for permissive and retirement guaranteed tax base school facility entitlement purposes, means the sum of the taxable valuation in the previous year of all property in the state, multiplied by 121% and divided by 1,000, with the quotient divided by the total state elementary ANB count or the total state high school ANB amount used to calculate the elementary school districts' and high school districts' current year foundation program total per-ANB entitlement amounts.~~

(b) "Statewide elementary guaranteed tax base ratio" or "statewide high school guaranteed tax base ratio", for guaranteed tax base funding for the base budget of an eligible district, means the sum of the taxable valuation in the previous year of all property in the state, multiplied by 175% and divided by the total of either

the state elementary school districts' or high school districts' current year total maximum general fund budget amounts."

Section 20-9-368, MCA, is amended to read:

"20-9-368. Amount of guaranteed tax base aid -- reversion. (1) ~~The amount of guaranteed tax base aid per ANB that a county may receive in support of the retirement fund budgets of the elementary school districts in the county is the difference between the county mill value per elementary ANB and the statewide county mill value per elementary ANB, multiplied by the number of mills levied in support of the retirement fund budgets for the elementary districts in the county.~~

(2) ~~The amount of guaranteed tax base aid per ANB that a county may receive in support of the retirement fund budgets of the high school districts in the county is the difference between the county mill value per high school ANB and the statewide county mill value per high school ANB, multiplied by the number of mills levied in support of the retirement fund budgets for the high school districts in the county.~~

(3) ~~The amount of guaranteed tax base aid per ANB that a district may receive in support of its permissive amount of the general fund budget up to 40% of the basic entitlement, up to 40% of the total per-ANB entitlement budgeted within the general fund budget, and up to 40% of the special education payment is the difference between the district mill value per ANB and the corresponding statewide district mill value per ANB, multiplied by the number of mills levied in support of the district's permissive amount of the general fund budget calculated in the following manner:~~

~~(a) multiply the sum of the district's direct state aid and 40% of the special education allowable cost payment by the corresponding statewide guaranteed tax base ratio;~~

~~(b) subtract the taxable valuation of the district from the product obtained in subsection (1)(a); and~~

~~(c) divide the remainder by 1,000 to determine the equivalent to the dollar amount of guaranteed tax base aid for each mill levied.~~

(4)(2) ~~Guaranteed tax base aid provided to any county or district under this section is earmarked to finance the fund or portion of the fund for which it is provided. If the actual expenditures from the fund or portion of the fund for which guaranteed tax base aid is earmarked are less than the amount budgeted, the guaranteed tax base aid reverts in proportion to the amount budgeted but not expended. If a county or district receives more guaranteed tax base aid than it is entitled to, the excess must be returned to the state as required by 20-9-344."~~

172. Page 142, line 7.

Following: line 6

Insert: "NEW SECTION. Section 61. Severability. If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its

applications, the part remains in effect in all valid applications that are severable from the invalid applications."

Renumber: subsequent sections

173. Page 142, line 7.

Strike: "SECTION"

Following: "36"

Insert: "Sections 20 and"

174. Page 142, line 8.

Strike: "TERMINATES"

Insert: "terminate"

Strike: "1993"

Insert: "1994"

175. Page 142, lines 9 through 11.

Strike: section 61 in its entirety

Renumber: subsequent sections

176. Page 143, lines 15 through 18.

Following: "TEACHERS" on line 15

Strike: remainder of line 15 through "ASSOCIATION" on line 18

Insert: "and other interested persons and organizations"

177. Page 144, line 3.

Following: line 3

Insert: "NEW SECTION. Section 64. Contingent termination. The bracketed language in [section 3], relating to excluding Public Law 81-874 receipts, is void on the date that the superintendent of public instruction certifies to the governor that, prior to January 1, 1995, a letter has been received from the United States department of education declaring that, after analysis of [this act], the bracketed language in [section 3] violates the provisions of the federal impact aid laws and will result in the loss of federal impact aid funds."

And that this Free Conference Committee report be adopted.

For the House:

For the Senate:

Boharski, Chairman

Towe, Chairman

H. S. Hanson

Brown

Peck

Stang

### MESSAGES FROM THE SENATE

House bill concurred in and returned to the House:

4/24/93

**HB 693**, introduced by Stovall

House joint resolution concurred in as amended and returned to the House for concurrence in Senate amendments:

4/24/93



**HJR 3**, introduced by Gilbert

Free conference committee report #1 adopted:

4/24/93

**SB 235**, introduced by Crippen

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Hibbard in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

Representative Hansen present at this time.

**SB 332** - Representative Wiseman moved the conference committee report to SB 332 be adopted. Motion carried as follows:

Ayes: Anderson, Bardanouve, Barnett, Bohlinger, Brooke, Clark, Cobb, Cocchiarella, Davis, Dowell, Ellis, Ewer, Feland, Fisher, Foster, Grady, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Hayne, Herron, R. Johnson, Kadas, Keller, Larson, T. Nelson, Raney, Ream, J. Rice, Rose, Russell, Sayles, Schye, Simon, Simpkins, Spring, Squires, Stovall, Swanson, Toole, Tunby, Wallin, Wanzenried, Winslow, Wiseman, Wyatt, Mr. Speaker.  
Total 49

Noes: Bachini, Barnhart, Benedict, Bergman, Bergsagel, Boharski, Brandewie, Brown, Daily, DeBruycker, Dolezal, Driscoll, Endy, Fagg, Galvin, Gervais, Harrington, J. Johnson, Kasten, McCarthy, Menahan, Mills, Molnar, L. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Rehbein, S. Rice, Ryan, Schwinden, Stanford, Strizich, Tuss, Vogel, Whalen.  
Total 38

Voted Absentee: Pavlovich, No.

Excused: Mason, Tash.  
Total 2

Absent or not voting: Bird, Elliott, Gilbert, Grimes, Hibbard, Knox, McCaffree, McCulloch, Smith, Wagner, Zook.  
Total 11

Representative Grinde moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman Hibbard moved the adoption of the committee report. Report adopted. (62-26)

Representative Grinde moved the House recess until 6:00 p.m. Motion carried.



House recessed at 5:20 p.m.

House reconvened at 6:00 p.m. Mr. Speaker in the Chair.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Hibbard in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

Representative Elliott excused at this time.

**HB 5** - Representative Bergsagel moved the free conference committee report to HB 5 be adopted. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Boharski, Bohlinger, Brandewie, Brooke, Brown, Cocchiarella, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Fagg, Galvin, Gervais, Grimes, Hansen, H.S. Hanson, Harper, Harrington, Hayne, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, T. Nelson, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, J. Rice, Rose, Russell, Sayles, Schwinden, Schye, Simon, Simpkins, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Vogel, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Zook, Mr. Speaker.

Total 75

Noes: Bird, Clark, Cobb, Daily, DeBruycker, Feland, Fisher, Foster, Gilbert, Grady, Grinde, M. Hanson, Herron, Kasten, Larson, L. Nelson, Orr, Rehbein, S. Rice, Ryan, Smith, Tuss, Wagner, Wyatt.

Total 24

Voted Absentee: Elliott, Mason, Pavlovich, Tash, Ayes.

Excused: None.

Total 0

Absent or not voting: Ewer.

Total 1

Representative Grinde moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman Hibbard moved the adoption of the committee report. Report adopted. (80-15)

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 5**, free conference committee report, adopted as follows:

Ayes: Anderson, Bachini, Bardanoue, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Boharski, Bohlinger, Brandewie, Brooke, Brown, Cocchiarella, Davis, Dolezal, Dowell, Driscoll, Ellis, Endy, Ewer, Fagg, Galvin, Gervais, Grimes, Hansen, H.S. Hanson, Harper, Harrington, Hayne, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, T. Nelson, Peck, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Vogel, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Zook, Mr. Speaker.

Total 77

Noes: Bird, Clark, Cobb, Daily, DeBruycker, Feland, Fisher, Foster, Gilbert, Grady, Grinde, M. Hanson, Herron, Kasten, L. Nelson, Orr, Rehbein, Smith, Tuss, Wagner, Wyatt.

Total 21

Voted Absentee: Mason, Tash, Ayes.

Excused: Elliott, Pavlovich.

Total 2

Absent or not voting: None.

Total 0

**SB 332**, conference committee report, adopted as follows:

Ayes: Bardanoue, Barnett, Bergsagel, Bird, Bohlinger, Brooke, Clark, Cobb, Cocchiarella, Davis, Dowell, Ellis, Ewer, Fagg, Feland, Fisher, Foster, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Hayne, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Larson, McCaffree, Menahan, Molnar, L. Nelson, T. Nelson, Raney, Ream, J. Rice, Russell, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stovall, Swanson, Toole, Tunby, Vogel, Wallin, Wanzenried, Whalen, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 62

Noes: Bachini, Barnhart, Benedict, Bergman, Boharski, Brandewie, Brown, Daily, DeBruycker, Dolezal, Driscoll, Endy, Galvin, Harrington, Herron, Kasten, McCarthy, Mills, Peck, Peterson, Quilici, Rehbein, S. Rice, Rose, Ryan, Stanford, Strizich, Tuss, Wagner.

Total 29

Excused: Elliott, Mason, Pavlovich, Tash.

Total 4

Absent or not voting: Anderson, Knox, McCulloch, Orr, Winslow.

Total 5

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative J. Rice in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**HB 198** - Representative Peterson moved the free conference committee report to HB 198 be adopted. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Bird, Bohlinger, Brandewie, Brooke, Brown, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Endy, Ewer, Fagg, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, Harper, Harrington, Hibbard, J. Johnson, R. Johnson, Kadas, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Russell, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Tuss, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 83

Noes: Benedict, Bergman, Bergsagel, Boharski, Cobb, DeBruycker, Ellis, Feland, Fisher, M. Hanson, Hayne, Herron, Kasten, Keller, Molnar, Rehbein.

Total 16

Voted Absentee: Elliott, Mason, Pavlovich, Tash, Ayes.

Excused: None.

Total 0

Absent or not voting: Clark.

Total 1

**HB 2** - Representative Zook moved the free conference committee report to HB 2 be adopted. Motion failed as follows:

Ayes: Anderson, Bardanouve, Bird, Bohlinger, Brandewie, Clark, Davis, Elliott, Ewer, Fagg, Fisher, Foster, Gilbert, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Hibbard, J. Johnson, R. Johnson, Keller, Knox, Mason, Mills, T. Nelson, Orr, Peterson, J. Rice, Rose, Sayles, Schwinden, Simpkins, Smith, Spring, Stovall, Tash, Toole, Tunby, Vogel, Winslow, Wiseman, Zook, Mr. Speaker.

Total 44

Noes: Bachini, Barnett, Barnhart, Benedict, Bergman, Bergsagel, Boharski, Brooke, Brown, Cobb, Cocchiarella, Daily, DeBruycker, Dolezal, Dowell, Driscoll, Ellis, Endy, Feland, Galvin, Gervais, Hansen, Harper, Harrington,

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Hayne, Herron, Kadas, Kasten, Larson, McCaffree, McCarthy, McCulloch, Menahan, Molnar, L. Nelson, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, S. Rice, Russell, Ryan, Schye, Simon, Squires, Stanford, Strizich, Swanson, Tuss, Wagner, Wallin, Wanzenried, Whalen, Wyatt.

Total 56

Voted Absentee: Elliott, Mason, Tash, Ayes; Pavlovich, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Mr. Speaker moved the House reconsider its action on the free conference committee report to HB 2 taken on second reading this legislative day. Motion carried. (62-33)

Representative Zook moved the free conference committee report to HB 2 be adopted. Motion failed as follows:

Ayes: Anderson, Barnett, Benedict, Bergman, Bird, Bohlinger, Brandewie, Brooke, Clark, Davis, Elliott, Ewer, Fagg, Fisher, Foster, Gilbert, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Mason, Mills, L. Nelson, T. Nelson, Orr, Peterson, J. Rice, Rose, Sayles, Schwinden, Simpkins, Smith, Spring, Stovall, Tash, Toole, Tunby, Vogel, Winslow, Wiseman, Zook, Mr. Speaker.

Total 50

Noes: Bachini, Bardanouve, Barnhart, Bergsagel, Boharski, Brown, Cobb, Cocchiarella, Daily, DeBruycker, Dolezal, Dowell, Driscoll, Ellis, Endy, Feland, Galvin, Gervais, Hansen, Harper, Harrington, Herron, Kasten, Larson, McCaffree, McCarthy, McCulloch, Menahan, Molnar, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, S. Rice, Russell, Ryan, Schye, Simon, Squires, Stanford, Strizich, Swanson, Tuss, Wagner, Wallin, Wanzenried, Whalen, Wyatt.

Total 50

Voted Absentee: Elliott, Mason, Tash, Ayes; Pavlovich, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Mr. Speaker moved the House reconsider its action on the free conference committee report to HB 2 taken on second reading this legislative day. Motion carried. (59-36)

Representative Zook moved the free conference committee report to HB 2 be adopted. Motion failed as follows:



Ayes: Anderson, Barnett, Benedict, Bergman, Bird, Bohlinger, Brandewie, Clark, Davis, Elliott, Ewer, Fagg, Fisher, Foster, Gilbert, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Mason, Mills, L. Nelson, T. Nelson, Orr, Peterson, J. Rice, Rose, Schwinden, Simpkins, Smith, Spring, Stovall, Tash, Tunby, Vogel, Winslow, Wiseman, Zook, Mr. Speaker.

Total 46

Noes: Bachini, Bardanouve, Barnhart, Bergsagel, Boharski, Brooke, Brown, Cobb, Cocchiarella, Daily, DeBruycker, Dolezal, Dowell, Driscoll, Ellis, Endy, Feland, Galvin, Gervais, Hansen, Harper, Harrington, Herron, Kasten, Larson, McCaffree, McCarthy, McCulloch, Menahan, Molnar, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, S. Rice, Russell, Ryan, Sayles, Schye, Simon, Squires, Stanford, Strizich, Swanson, Toole, Tuss, Wagner, Wallin, Wanzenried, Whalen, Wyatt.

Total 53

Voted Absentee: Elliott, Mason, Tash, Ayes; Pavlovich, No.

Excused: None.

Total 0

Absent or not voting: Hayne.

Total 1

Mr. Speaker moved the House reconsider its action on the free conference committee report to HB 2 taken on second reading this legislative day. Motion carried. (61-35)

Representative Zook moved the free conference committee report to HB 2 be adopted. Motion carried as follows:

Ayes: Anderson, Barnett, Benedict, Bergman, Bergsagel, Bird, Bohlinger, Brandewie, Brooke, Clark, Davis, Elliott, Ellis, Ewer, Fagg, Fisher, Foster, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Hayne, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Mason, McCaffree, Mills, L. Nelson, T. Nelson, Orr, Peterson, J. Rice, Rose, Schwinden, Schye, Simpkins, Smith, Spring, Stovall, Swanson, Tash, Tunby, Vogel, Winslow, Wiseman, Zook, Mr. Speaker.

Total 54

Noes: Bachini, Bardanouve, Barnhart, Boharski, Brown, Cobb, Cocchiarella, Daily, DeBruycker, Dolezal, Dowell, Driscoll, Endy, Feland, Galvin, Gervais, Harper, Harrington, Herron, Kasten, Larson, McCarthy, McCulloch, Menahan, Molnar, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, S. Rice, Russell, Ryan, Sayles, Simon, Squires, Stanford, Strizich, Toole, Tuss, Wagner, Wallin, Wanzenried, Whalen, Wyatt.

Total 46

Voted Absentee: Elliott, Mason, Tash, Ayes; Pavlovich, No.

Excused: None.

Total 0

Absent or not voting: None.  
Total 0

Representative Grinde moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman J. Rice moved the adoption of the committee report. Report adopted. (64-30)

### THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 198**, free conference committee report, adopted as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Bird, Bohlinger, Brandewie, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, Dolezal, Dowell, Driscoll, Elliott, Endy, Ewer, Fagg, Foster, Galvin, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, Harper, Harrington, Hayne, Hibbard, J. Johnson, R. Johnson, Kadas, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Peterson, Quilici, Raney, Ream, J. Rice, S. Rice, Rose, Ryan, Sayles, Schwinden, Schye, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Vogel, Wagner, Wallin, Wanzenried, Whalen, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.  
Total 82

Noes: Benedict, Bergman, Bergsagel, Boharski, Cobb, DeBruycker, Ellis, Feland, Fisher, Gervais, M. Hanson, Herron, Kasten, Keller, Molnar, Rehbein, Russell, Tuss.  
Total 18

Voted Absentee: Elliott, Mason, Pavlovich, Tash, Ayes.

Excused: None.  
Total 0

Absent or not voting: None.  
Total 0

**HB 2**, free conference committee report, adopted as follows:

Ayes: Anderson, Barnett, Benedict, Bergman, Bergsagel, Bird, Bohlinger, Brandewie, Clark, Davis, Elliott, Ewer, Fagg, Fisher, Foster, Gilbert, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Hayne, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Mason, McCaffree, Mills, L. Nelson, T. Nelson, Orr, Peterson, J. Rice, Rose, Schwinden, Schye, Simpkins, Smith, Spring, Stovall, Swanson, Tash, Tunby, Vogel, Winslow, Wiseman, Zook, Mr. Speaker.  
Total 51

Noes: Bachini, Bardanouve, Barnhart, Boharski, Brooke, Brown, Cobb, Cocchiarella, Daily, DeBruycker, Dolezal, Dowell, Driscoll, Ellis, Endy,

Feland, Galvin, Gervais, Harper, Harrington, Herron, Kasten, Larson, McCarthy, McCulloch, Menahan, Molnar, Pavlovich, Peck, Quilici, Raney, Ream, Rehbein, S. Rice, Russell, Ryan, Sayles, Simon, Squires, Stanford, Strizich, Toole, Tuss, Wagner, Wallin, Wanzenried, Whalen, Wyatt.  
Total 48

Voted Absentee: Elliott, Mason, Tash, Ayes; Pavlovich, No.

Excused: None.  
Total 0

Absent or not voting: Grady.  
Total 1

Representative Grady excused at this time.

Representative Grinde moved the House recess until 9:00 p.m. Motion carried.

House recessed at 8:33 p.m.

House reconvened at 9:15 p.m. Mr. Speaker in the Chair.

#### REPORTS OF STANDING COMMITTEES

BILLS (Hayne, Chairman): 4/24/93  
Correctly enrolled: HB 301, HB 442, HB 495, HB 692.  
Examined by the sponsor and found to be correct:  
    HB 301 - Wyatt  
    HB 442 - Knox  
    HB 495 - Elliott  
    HB 692 - Wanzenried  
Signed by the Speaker at 5:30 p.m., 4/24/93: SB 11.  
Signed by the Speaker at 6:00 p.m., 4/24/93: HB 301, HB 442, HB 495,  
    HB 692, SB 71, SB 98, SB 196, SB 252, SB 311, SJR 29.  
Signed by the Speaker at 6:15 p.m., 4/24/93: SB 235.

#### REPORTS OF SELECT COMMITTEES

Free Conference Committee  
on Senate Bill 235  
Report No. 1, April 23, 1993

Mr. President and Mr. Speaker:

We, your Free Conference Committee on Senate Bill 235, met and considered: Senate Bill 235 in its entirety. We recommend that Senate Bill 235 (reference copy - salmon) be amended as follows:

1. Page 2, line 23.  
Strike: "NOT APPROPRIATED OR"  
Following: "ESTIMATES"  
Insert: "pursuant to 5-18-107"

April 24, 1993

2. Page 3, line 1.

Strike: "STATEWIDE"

3. Page 3, line 3.

Strike: "THE FLAT RATE PERCENTAGE OF THE"

4. Page 3, line 4.

Strike: "TAX FROM 6%"

Insert: "taxes"

5. Page 21.

Following: line 6

Insert: "(10) Publishers who contract for newspaper delivery services shall include the sales tax in the newspaper subscription price and shall collect and pay the tax to the department. The contract carrier is not responsible for collection of the sales tax and payment to the department."

6. Page 25, lines 13 and 14.

Following: "services" on line 13

Strike: remainder of line 13 through "PRODUCTS" on line 14

7. Page 25, line 25.

Strike: "1"

8. Page 26, lines 1 through 3.

Strike: line 1 through "DIAPERS" on line 3

9. Page 61, line 17.

Strike: "(6)"

Insert: "(5) through (7) and (13) and [section 125]"

10. Page 61, line 19.

Strike: "AND"

11. Page 61, line 23.

Following: "AND"

Insert: "(b) the amount appropriated to the department of revenue in [House Bill No. 2] for the purpose of administering [this act]; and"

Renumber: subsequent subsection

12. Page 62, line 1.

Strike: "SUBSECTION"

Insert: "subsections"

Following: "(1)(a)"

Insert: "and (1)(b)"

13. Page 62, lines 18 and 20.

Following: "MILLION"

Insert: ", plus vendor allowances and administrative costs,"

14. Page 62, line 23.

Strike: "STATEWIDE"



15. Page 62, lines 24 and 25.

Strike: "THE FLAT RATE PERCENTAGE OF THE"

Strike: "TAX FROM 6%" on line 25

Insert: "taxes"

16. Page 135.

Following: line 12

Insert: "(b) property, including property owned by rural electric cooperatives, placed in service after June 8, 1993, for the purpose of generating, manufacturing, or producing electricity or electrical energy, except for pollution control facilities included in class five;"

Renumber: subsequent subsections

17. Page 258, line 18.

Strike: "subsection"

Insert: "subsections"

Following: "(2)"

Insert: "and (3)"

18. Page 259.

Following: line 22

Insert: "(3) Notwithstanding the provisions of subsections (1) and (2), the tax rate on all electricity and electrical energy generated, manufactured, or produced from a facility or from an additional generating unit of a facility placed in service after June 8, 1993, and prior to January 1, 1997, is as follows:

(a) \$.0002 per kilowatt hour commencing on the first day of commercial operation of the facility or of an additional generating unit of a facility through the end of the calendar quarter ending 5 years after the first day of commercial operation;

(b) \$.0008 per kilowatt hour for the next 5 years;

(c) \$.0016 per kilowatt hour for the next 5 years; and

(d) \$.00252 per kilowatt hour thereafter."

And that this Free Conference Committee report be adopted.

For the Senate:

For the House:

Halligan, Chairman

J. Rice, Chairman

Brown

Foster

Crippen

Hibbard

Eck

Ream

Yellowtail

Swanson

Free Conference Committee

on House Bill 671

Report No. 1, April 24, 1993

Mr. Speaker and Mr. President:

We, your Free Conference Committee, met and considered House Bill 671 and recommend as follows:

1. Page 2, line 17.

Strike: "for Montana"

2. Page 2, line 22.

Strike: ", multiplied by 0.5"

3. Page 3, lines 20 and 21.

Following: "index" on line 20

Strike: remainder of line 20 through "Montana" on line 21

4. Page 3, line 22.

Strike: "for Montana"

Following: "1993"

Insert: ", then subtracting 1, then multiplying by 0.5, then adding 1"

Following: "June"

Strike: ", "

5. Page 6, line 13 through page 8, line 5.

Strike: section 2 in its entirety

Renumber: subsequent sections

6. Page 8, line 10.

Strike: "1994"

Insert: "1992"

7. Page 8, line 13.

Strike: "7.3%"

Insert: "6.7%"

8. Page 9, line 21.

Strike: "7.4%"

Insert: "6.7%"

9. Page 14, line 8.

Following: "(j)"

Insert: "except as provided in subsection (7),"

10. Page 14, lines 9 and 10.

Following: "the" on line 9

Strike: remainder of line 9 through "salary" on line 10

Insert: "earned income"

11. Page 14, line 11.

Strike: "wages and salary"

Insert: "earned income"

12. Page 16, line 7.

Following: line 6

Insert: "(7) The amount specified in subsection (2)(j) is reduced by 6.25% for every \$5,000 of federal adjusted gross income in excess of \$100,000."

13. Page 16, lines 14, 17, and 24.

Strike: "\$3,500"

Insert: "\$2,710"

14. Page 17, lines 4, 12, and 16.

Strike: "\$3,500"

Insert: "\$2,710"

15. Page 18, lines 10 and 15.

Strike: "\$3,500"

Insert: "\$2,710"

16. Page 19, line 21.

Strike: "10%"

Insert: "6.25%"

17. Page 19, line 22.

Strike: "\$150,000"

Insert: "\$100,000"

18. Page 21, line 22.

Strike: "30%"

Insert: "40%"

19. Page 21, line 23.

Strike: "LESS THAN"

Strike: "\$2,500 OR"

20. Page 22, lines 2, 8, and 14.

Strike: "30%"

Insert: "40%"

21. Page 22, line 3.

Strike: "LESS THAN \$4,000 OR"

22. Page 22, lines 8 and 9.

Following: "NOT" on line 8

Strike: remainder of line 8 through "OR" on line 9

23. Page 22, lines 15 and 16.

Following: "NOT" on line 15

Strike: remainder of line 15 through "OR" on line 16

24. Page 22, line 18.

Strike: "10%"

Insert: "6.25%"

25. Page 22, line 19.

Strike: "\$150,000"

Insert: "\$100,000"

26. Page 39, lines 20 and 22.

Strike: "9"

Insert: "8"

27. Page 40, lines 16 and 17.

Strike: "(1)" on line 16

Following: "This" on line 16

Strike: remainder of line 16 through "[THIS]" on line 17

Insert: "[This]"

28. Page 40, lines 20 through 24.

Strike: subsection (2) in its entirety

29. Page 40, line 25 through page 41, line 1.

Strike: section 25 in its entirety

And that this Free Conference Committee report be adopted.

For the House:

Gilbert, Chairman  
M. Hanson  
Elliott

For the Senate:

Doherty, Chairman  
Towe  
Grosfield

#### MESSAGES FROM THE SENATE

Conference committee report #1 adopted:

4/24/93

**SB 332**, introduced by Weldon

Free conference committee report #1 adopted:

4/24/93

**HB 2**, introduced by Zook

**HB 5**, introduced by Peterson

**HB 198**, introduced by Peterson

**HB 667**, introduced by Fagg

#### SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative J. Rice in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

Representative Elliott present at this time.

**HB 667** - Representative Boharski moved the free conference committee report to HB 667 be adopted. Motion failed as follows:

Ayes: Anderson, Barnett, Bergman, Bird, Boharski, Bohlinger, Brandewie, Cobb, Ewer, Fagg, Fisher, Foster, Gilbert, Grady, Grimes, Grinde, H.S. Hanson, Harrington, Hayne, Herron, Hibbard, R. Johnson, Keller, Knox, Larson, Mason, McCarthy, Menahan, Mills, T. Nelson, Orr, Peck, Peterson,



J. Rice, Rose, Sayles, Simon, Simpkins, Smith, Spring, Stovall, Tash, Vogel, Wagner, Wallin, Winslow, Wiseman, Zook, Mr. Speaker.

Total 49

Noes: Bachini, Bardanouve, Barnhart, Benedict, Bergsagel, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, DeBruycker, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Feland, Galvin, Gervais, Hansen, Harper, J. Johnson, Kadas, Kasten, McCaffree, McCulloch, Molnar, L. Nelson, Pavlovich, Quilici, Raney, Ream, Rehbein, S. Rice, Russell, Ryan, Schwinden, Schye, Squires, Stanford, Strizich, Swanson, Toole, Tunby, Tuss, Wanzenried, Whalen, Wyatt.

Total 50

Voted Absentee: Grady, Mason, Tash, Ayes; Pavlovich, No.

Excused: None.

Total 0

Absent or not voting: M. Hanson.

Total 1

Mr. Speaker moved the House reconsider its action on the free conference committee report to HB 667 taken on second reading this legislative day. Motion carried as follows: (65-30)

Representative Boharski moved the free conference committee report to HB 667 be adopted. Motion carried as follows:

Ayes: Anderson, Barnett, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brown, Cobb, Daily, DeBruycker, Ewer, Fagg, Fisher, Foster, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harrington, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Keller, Knox, Larson, Mason, McCaffree, McCarthy, Menahan, Mills, T. Nelson, Orr, Pavlovich, Peck, Peterson, J. Rice, Rose, Sayles, Simon, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Tash, Vogel, Wagner, Wallin, Winslow, Wiseman, Zook, Mr. Speaker.

Total 59

Noes: Bachini, Bardanouve, Barnhart, Benedict, Bergsagel, Brooke, Clark, Cocchiarella, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Feland, Galvin, Gervais, Harper, Kadas, Kasten, McCulloch, Molnar, L. Nelson, Quilici, Raney, Ream, Rehbein, S. Rice, Russell, Ryan, Schwinden, Schye, Strizich, Swanson, Toole, Tunby, Tuss, Wanzenried, Whalen, Wyatt.

Total 41

Voted Absentee: Grady, Mason, Pavlovich, Tash, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

April 24, 1993

**HB 504** - Representative Benedict moved the free conference committee report to HB 504 be adopted. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Benedict, Bergman, Bergsagel, Boharski, Bohlinger, Brandewie, Clark, Cobb, Cocchiarella, DeBruycker, Driscoll, Ellis, Fagg, Foster, Galvin, Gilbert, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kasten, Keller, Knox, McCarthy, T. Nelson, Orr, Peck, Peterson, Ream, Rehbein, J. Rice, Sayles, Schye, Simon, Simpkins, Spring, Stovall, Swanson, Tash, Tunby, Wagner, Wallin, Winslow, Wiseman, Zook, Mr. Speaker.

Total 56

Noes: Barnhart, Bird, Brooke, Brown, Daily, Davis, Dolezal, Dowell, Elliott, Endy, Ewer, Feland, Fisher, Gervais, Hansen, Harper, Harrington, Kadas, Larson, Mason, McCaffree, McCulloch, Menahan, Mills, Molnar, L. Nelson, Pavlovich, Quilici, Raney, S. Rice, Rose, Russell, Ryan, Schwinden, Smith, Squires, Stanford, Strizich, Toole, Tuss, Vogel, Wanzenried, Whalen, Wyatt.

Total 44

Voted Absentee: Grady, Tash, Ayes; Mason, Pavlovich, Noes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HJR 3** - Representative Gilbert moved Senate amendments to HJR 3 be concurred in. Motion carried as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Brandewie, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, Dolezal, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Quilici, Ream, J. Rice, S. Rice, Russell, Sayles, Schwinden, Schye, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Wagner, Wallin, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 81

Noes: Bergsagel, Boharski, Bohlinger, Cobb, DeBruycker, Dowell, Feland, Herron, Kasten, Peterson, Raney, Rehbein, Rose, Ryan, Simon, Tuss, Wanzenried, Whalen.

Total 18

Voted Absentee: Grady, Mason, Pavlovich, Tash, Ayes.

Excused: None.

Total 0

Absent or not voting: Vogel.

Total 1

Representative Grinde moved the committee rise, report progress, and beg leave to sit again. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman J. Rice moved the adoption of the committee report. Report adopted. (74-22)

### THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**HB 667**, free conference committee report, adopted as follows:

Ayes: Anderson, Barnett, Bergman, Bird, Boharski, Bohlinger, Brandewie, Brown, Cobb, Daily, DeBruycker, Ewer, Fagg, Feland, Fisher, Foster, Gilbert, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Harrington, Hayne, Herron, Hibbard, R. Johnson, Keller, Knox, Larson, Mason, McCarthy, Menahan, Mills, T. Nelson, Orr, Pavlovich, Peck, Peterson, J. Rice, Rose, Sayles, Simon, Simpkins, Smith, Spring, Stovall, Tash, Vogel, Wagner, Wallin, Winslow, Wiseman, Zook, Mr. Speaker.

Total 55

Noes: Bachini, Bardanouve, Barnhart, Benedict, Bergsagel, Brooke, Clark, Cocchiarella, Davis, Dolezal, Dowell, Driscoll, Elliott, Ellis, Endy, Galvin, Gervais, Hansen, Harper, J. Johnson, Kadas, Kasten, McCaffree, McCulloch, Molnar, L. Nelson, Quilici, Raney, Ream, Rehbein, S. Rice, Russell, Ryan, Schwinden, Schye, Squires, Stanford, Strizich, Swanson, Toole, Tunby, Tuss, Wanzensried, Whalen, Wyatt.

Total 45

Voted Absentee: Grady, Mason, Pavlovich, Tash, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HB 504**, free conference committee report, adopted as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Benedict, Bergman, Bergsagel, Boharski, Bohlinger, Brandewie, Clark, Cobb, Cocchiarella, DeBruycker, Driscoll, Ellis, Fagg, Foster, Galvin, Gilbert, Grady, Grimes, Grinde, H.S. Hanson, M. Hanson, Hayne, Herron, Hibbard, J. Johnson, R. Johnson, Kasten, Keller, Knox, Mills, T. Nelson, Orr, Peterson, Ream, Rehbein, J. Rice, Sayles, Schye, Simon, Simpkins, Spring, Stovall, Swanson, Tash, Tunby, Wagner, Wallin, Winslow, Wiseman, Zook, Mr. Speaker.

Total 55

April 24, 1993

Noes: Barnhart, Bird, Brooke, Brown, Daily, Davis, Dolezal, Dowell, Elliott, Endy, Ewer, Feland, Fisher, Gervais, Hansen, Harper, Harrington, Kadas, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Molnar, L. Nelson, Pavlovich, Peck, Quilici, Raney, S. Rice, Rose, Russell, Ryan, Schwinden, Smith, Squires, Stanford, Strizich, Toole, Tuss, Vogel, Wanzenried, Whalen, Wyatt.

Total 45

Voted Absentee: Grady, Tash, Ayes; Mason, Pavlovich, Noes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

**HJR 3**, Senate amendments, concurred in as follows:

Ayes: Anderson, Bachini, Bardanouve, Barnett, Barnhart, Benedict, Bergman, Bird, Brandewie, Brooke, Brown, Clark, Cocchiarella, Daily, Davis, Dolezal, Driscoll, Elliott, Ellis, Endy, Ewer, Fagg, Fisher, Foster, Galvin, Gervais, Gilbert, Grady, Grimes, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, J. Johnson, R. Johnson, Kadas, Keller, Knox, Larson, Mason, McCaffree, McCarthy, McCulloch, Menahan, Mills, Molnar, L. Nelson, T. Nelson, Orr, Pavlovich, Peck, Quilici, Ream, J. Rice, S. Rice, Russell, Sayles, Schwinden, Schye, Simpkins, Smith, Spring, Squires, Stanford, Stovall, Strizich, Swanson, Tash, Toole, Tunby, Vogel, Wagner, Wallin, Winslow, Wiseman, Wyatt, Zook, Mr. Speaker.

Total 82

Noes: Bergsagel, Boharski, Bohlinger, Cobb, DeBruycker, Dowell, Feland, Herron, Kasten, Peterson, Raney, Rehbein, Rose, Ryan, Simon, Tuss, Wanzenried, Whalen.

Total 18

Voted Absentee: Grady, Mason, Pavlovich, Tash, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

### **SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)**

Representative Grinde moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative J. Rice in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:



**HB 671** - Representative Gilbert moved the free conference committee report to HB 671 be adopted. Motion failed as follows:

Ayes: Bardanouve, Barnett, Bergsagel, Bird, Brooke, Brown, Clark, Cocchiarella, Daily, DeBruycker, Dolezal, Driscoll, Elliott, Ellis, Endy, Ewer, Feland, Gilbert, Grady, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, R. Johnson, Kadas, Knox, Larson, McCarthy, Menahan, T. Nelson, Pavlovich, Peterson, Quilici, Ream, J. Rice, Russell, Schye, Simpkins, Squires, Swanson, Tash, Tunby, Wallin, Wiseman, Zook, Mr. Speaker.

Total 50

Noes: Anderson, Bachini, Barnhart, Benedict, Bergman, Boharski, Bohlinger, Brandewie, Cobb, Davis, Dowell, Fagg, Fisher, Foster, Galvin, Gervais, Grimes, Herron, J. Johnson, Kasten, Keller, Mason, McCaffree, McCulloch, Mills, Molnar, L. Nelson, Orr, Peck, Raney, Rehbein, S. Rice, Rose, Ryan, Sayles, Schwinden, Simon, Smith, Spring, Stanford, Stovall, Strizich, Toole, Tuss, Vogel, Wagner, Wanzenried, Whalen, Winslow, Wyatt.

Total 50

Voted Absentee: Grady, Pavlovich, Tash, Ayes; Mason, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Elliott moved the House reconsider its action on the free conference committee report to HB 671 taken on second reading this legislative day. Motion carried. (70-26)

Representative Gilbert moved the free conference committee report to HB 671 be adopted. Motion carried as follows:

Ayes: Bardanouve, Barnett, Bergsagel, Bird, Brooke, Brown, Clark, Cocchiarella, Daily, DeBruycker, Dolezal, Driscoll, Elliott, Ellis, Endy, Ewer, Feland, Gilbert, Grady, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, R. Johnson, Kadas, Knox, Larson, McCarthy, Menahan, T. Nelson, Pavlovich, Peck, Peterson, Quilici, Ream, J. Rice, Russell, Schye, Simpkins, Spring, Squires, Swanson, Tash, Tunby, Wallin, Wiseman, Zook, Mr. Speaker.

Total 52

Noes: Anderson, Bachini, Barnhart, Benedict, Bergman, Boharski, Bohlinger, Brandewie, Cobb, Davis, Dowell, Fagg, Fisher, Foster, Galvin, Gervais, Grimes, Herron, J. Johnson, Kasten, Keller, Mason, McCaffree, McCulloch, Mills, Molnar, L. Nelson, Orr, Raney, Rehbein, S. Rice, Rose, Ryan, Sayles, Schwinden, Simon, Smith, Stanford, Stovall, Strizich, Toole, Tuss, Vogel, Wagner, Wanzenried, Whalen, Winslow, Wyatt.

Total 48

Voted Absentee: Grady, Pavlovich, Tash, Ayes; Mason, No.

April 24, 1993

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Grinde moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the Chair. Chairman J. Rice moved the adoption of the committee report. Report adopted. (73-23)

### THIRD READING OF BILLS

The following bill having been read three several times, title and history agreed to, was disposed of in the following manner:

**HB 671**, free conference committee report, adopted as follows:

Ayes: Bardanouve, Barnett, Bergsagel, Bird, Brooke, Brown, Clark, Cocchiarella, Daily, DeBruycker, Dolezal, Driscoll, Elliott, Ellis, Endy, Ewer, Feland, Gilbert, Grady, Grinde, Hansen, H.S. Hanson, M. Hanson, Harper, Harrington, Hayne, Hibbard, R. Johnson, Kadas, Knox, Larson, McCarthy, Menahan, T. Nelson, Pavlovich, Peterson, Quilici, Ream, J. Rice, Russell, Schye, Simpkins, Spring, Squires, Swanson, Tash, Tunby, Wallin, Wiseman, Zook, Mr. Speaker.

Total 51

Noes: Anderson, Bachini, Barnhart, Benedict, Bergman, Boharski, Bohlinger, Brandewie, Cobb, Davis, Dowell, Fagg, Fisher, Foster, Galvin, Gervais, Grimes, Herron, J. Johnson, Kasten, Keller, Mason, McCaffree, McCulloch, Mills, Molnar, L. Nelson, Orr, Peck, Raney, Rehbein, S. Rice, Rose, Ryan, Sayles, Schwinden, Simon, Smith, Stanford, Stovall, Strizich, Toole, Tuss, Vogel, Wagner, Wanzenried, Whalen, Winslow, Wyatt.

Total 49

Voted Absentee: Grady, Pavlovich, Tash, Ayes; Mason, No.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

### SPECIAL ORDERS OF THE DAY

A committee from the Senate consisting of Senators Aklestad, Eck and Lynch notified the House of Representatives that the Senate of the Fifty-Third Legislature has completed its business and is ready to adjourn sine die.

Representative Grinde moved the Speaker be authorized to appoint a committee to notify the Senate that the House of Representatives of the Fifty-Third Legislature has completed its business and is ready to adjourn sine die. Motion carried.

Mr. Speaker appointed Representatives Brooke, Cobb and Hayne.

Representative Grinde moved the Speaker be authorized to appoint a committee to notify His Excellency, the Governor, that the House of Representatives of the Fifty-Third Legislature has completed its business and is ready to adjourn sine die. Motion carried.

Mr. Speaker appointed Representatives Bardanouve, Peterson and Wallin.

Mr. Speaker dismissed the committees to perform their appointed duties, and the House stood at ease.

The committees appointed to notify the Governor and the Senate returned and informed the House that they had delivered their message. Mr. Speaker discharged the committees and thanked the members.

Representative Grinde moved that joint rule 40-160 of the Fifty-Third Legislature be interpreted to allow five working days after the return of bills from enrolling for signature and delivery to the Governor of all bills passed by the 90th legislative day. Motion carried.

#### **ANNOUNCEMENTS**

Committee meetings were announced by committee chairmen.

Representative Grinde moved the House adjourn sine die. Motion carried.

House adjourned sine die at 11:50 p.m.

John Mercer, Speaker

Marilyn Miller, Chief Clerk

**ADDENDUM  
TO THE  
HOUSE JOURNAL**

**REPORTS OF STANDING COMMITTEES**

BILLS (Hayne, Chairman): 4/27/93  
Correctly enrolled: HB 4, HB 6, HB 13, HB 92, HB 121, HB 335, HB 411,  
HB 525, HB 530, HB 562, HJR 29.  
Correctly enrolled: HB 2, HB 5, HB 70, HB 142, HB 198, HB 219, HB 431,  
HB 453, HB 504, HB 567, HB 591, HB 622, HB 643, HB 645,  
HB 667, HB 671, HB 693, HJR 3, HJR 30, HJR 33. 4/28/93  
Signed by the Speaker at 11:00 a.m., 4/28/93: HB 4, HB 6, HB 13, HB 92,  
HB 121, HB 335, HB 411, HB 525, HB 530, HB 562, HJR 29,  
SB 257, SB 271, SB 285, SB 310, SB 347, SJR 34.  
Signed by the Speaker at 11:15 a.m., 4/28/93: HB 70, HB 142, HB 431,  
HB 567, HB 622, HB 671, HB 693, HJR 30, HJR 33.  
Signed by the Speaker at 11:45 a.m., 4/28/93: SB 14, SB 108, SB 342.  
Signed by the Speaker at 2:00 p.m., 4/28/93: HB 2, HB 5, HB 198,  
HB 219, HB 453, HB 504, HB 591, HB 643, HB 645, HB 667,  
HJR 3.  
Delivered to the Governor for his approval at 1:25 p.m., 4/26/93: HB 301,  
HB 442, HB 495, HB 692.  
Delivered to the Governor for his approval at 2:55 p.m., 4/29/93: HB 4,  
HB 5, HB 6, HB 13, HB 70, HB 92, HB 121, HB 142, HB 198,  
HB 219, HB 335, HB 411, HB 431, HB 453, HB 504, HB 525,  
HB 530, HB 562, HB 567, HB 591, HB 622, HB 643, HB 645,  
HB 671, HB 693.  
Delivered to the Secretary of State at 3:25 p.m., 4/29/93: HJR 3, HJR 29,  
HJR 30, HJR 33.  
Delivered to the Governor for his approval at 4:00 p.m., 4/30/93: HB 2,  
HB 667.

The committee on Legislative Administration/Bills and Journal, having  
examined the daily journals for the eighty-eighth, eighty-ninth and  
ninetieth legislative days, found the same to be correct. 5/7/93

**MESSAGES FROM THE GOVERNOR**

The Honorable John Mercer  
Speaker of the House  
State Capitol  
Helena, Montana 59620

April 27, 1993

Dear Representative Mercer:

Please be informed that I have signed House Bill 666 on April 27, 1993.

Sincerely,

MARC RACICOT  
Governor



The Honorable John Mercer  
Speaker of the House  
State Capitol  
Helena, Montana 59620

April 28, 1993

Dear Representative Mercer:

Please be informed that I have signed House Bills 3, 11, 46, 65, 145, 167, 190, 193, 273, 287, 323, 327, 333, 372, 405, 427, 437, 469, 483, 505, 516, 517, 519, 548, 555, 572, 581, 588, 642, 651, 658, 673, 679, 685, 688, and 689 on April 28, 1993.

Sincerely,

MARC RACICOT  
Governor

The Honorable John Mercer  
Speaker of the House  
State Capitol  
Helena, Montana 59620

May 3, 1993

Dear Representative Mercer:

Please be informed that I have signed House Bill 442 on May 3, 1993.

Sincerely,

MARC RACICOT  
Governor

The Honorable John Mercer  
Speaker of the House  
State Capitol  
Helena, Montana 59620

May 4, 1993

Dear Representative Mercer:

Please be informed that I have signed House Bills 301 and 495 on May 4, 1993.

Sincerely,

MARC RACICOT  
Governor

The Honorable John Mercer  
Speaker of the House  
State Capitol  
Helena, Montana 59620

May 5, 1993

Dear Representative Mercer:

Please be informed that I have signed House Bills 4, 6, and 121 on May 5, 1993.

Sincerely,

MARC RACICOT  
Governor

The Honorable John Mercer  
Speaker of the House  
State Capitol  
Helena, Montana 59620

May 6, 1993

Dear Representative Mercer:

Please be informed that I have signed House Bills 70, 142, 219, 453, and 622 on May 6, 1993.

Sincerely,

MARC RACICOT  
Governor

The Honorable John Mercer  
Speaker of the House  
State Capitol  
Helena, Montana 59620

May 7, 1993

Dear Representative Mercer:

Please be informed that I have signed House Bills 431 and 530 on May 7, 1993.

Sincerely,

MARC RACICOT  
Governor

The Honorable John Mercer  
Speaker of the House  
State Capitol  
Helena, Montana 59620

May 10, 1993

Dear Representative Mercer:

Please be informed that I have signed House Bills 2, 5, 92, 411, and 643 on May 10, 1993.

Sincerely,

MARC RACICOT  
Governor

The Honorable John Mercer  
Speaker of the House  
State Capitol  
Helena, Montana 59620

May 11, 1993

Dear Representative Mercer:

Please be informed that I have signed House Bills 13, 335, 525, 671, and 693 on May 11, 1993.

Sincerely,

MARC RACICOT  
Governor

The Honorable John Mercer  
Speaker of the House  
State Capitol  
Helena, Montana 59620

May 12, 1993

Dear Representative Mercer:

Please be informed that I have signed House Bills 667 and 692 on May 12, 1993.

Sincerely,

MARC RACICOT  
Governor

The Honorable John Mercer  
Speaker of the House  
State Capitol  
Helena, Montana 59620

May 13, 1993

Dear Representative Mercer:

Please be informed that I have signed House Bills 504, 562, and 567 on May 13, 1993.

Sincerely,

MARC RACICOT  
Governor

The Honorable John Mercer  
Speaker of the House  
State Capitol  
Helena, Montana 59620

May 17, 1993

Dear Representative Mercer:

Please be informed that I have signed House Bill 198 on May 17, 1993.

Sincerely,

MARC RACICOT  
Governor

The Honorable John Mercer  
Speaker of the House  
State Capitol  
Helena, Montana 59620

May 24, 1993

Dear Representative Mercer:

Please be informed that I have signed House Bill 645 on May 24, 1993.

Sincerely,

MARC RACICOT  
Governor

The Honorable John Mercer  
Speaker of the House  
State Capitol  
Helena MT 59620

May 24, 1993

The Honorable Fred Van Valkenburg  
President of the Senate  
State Capitol  
Helena MT 59620

Dear Speaker Mercer and President Van Valkenburg:

In accordance with the power vested in me as Governor by the Constitution and laws of the State of Montana, I hereby veto House Bill 591, "AN ACT INCREASING THE ACCOMMODATIONS TAX FROM 4 PERCENT TO 5 PERCENT; PROVIDING THAT A PORTION OF THE INCREASED AMOUNT BE DEPOSITED IN THE GENERAL FUND; ALLOCATING A PORTION OF THE INCREASED AMOUNT TO COUNTIES AND INCORPORATED CITIES AND TOWNS ON THE BASIS OF THE ORIGIN OF COLLECTIONS; EXPANDING THE PERMISSIBLE USES OF THE LODGING FACILITY USE TAX DEDICATED TO THE MONTANA HISTORICAL SOCIETY; PROVIDING THAT THIS ACT IS VOID IF A GENERAL SALES TAX IS ENACTED PRIOR TO JULY 1, 1993; PROVIDING AN APPROPRIATION; AMENDING SECTIONS 15-65-111, 15-65-121, AND 15-65-122, MCA; AND PROVIDING EFFECTIVE DATES AND AN APPLICABILITY DATE," for the following reasons.

House Bill 591 raises the accommodations tax from 4 to 5 percent. As originally enacted the proceeds from the accommodations tax were to be used to promote tourism in a variety of different ways. Contrary to that original purpose the 1% increase in the accommodations tax imposed by House Bill 591 would supplement the general fund budgets of state and local governments in violation of the original understanding that provided for the implementation of the tax in the first place.



There is no question that, given the state's financial condition, state and local governments could put the additional funds from House Bill 591 to good use. However, an increase in the accommodations tax is only a "band-aid" approach to solving the fiscal difficulties confronted by the state and local governments. It would not only single out one industry as a revenue source, it would also discourage fundamental tax reform by once again disguising the need for significant change in our tax structure at the very time when we are asking citizens to consider such a change. I have consistently opposed piecemeal solutions to Montana's economic crisis and I consistently opposed this legislation throughout the Legislative session. In an effort to keep faith with the original purpose of the implementation of the accommodations tax and to encourage a truly balanced tax system that will create more jobs and ensure a healthy economy in the future, I hereby veto House Bill 591.

Sincerely,

MARC RACICOT  
Governor

877024













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